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Eggleston, Jerry R. 02-20-2015

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Harrisonburg Division)

-----	:	
ANTHONY WADE GALLOWAY,	:	
	:	
Plaintiff,	:	Civil Action No.:
	:	
v.	:	5:14-CV-040-JPJ-JCH
	:	
SUNBELT RENTALS, INC.,	:	
et al.,	:	
	:	
Defendant.	:	
-----	:	

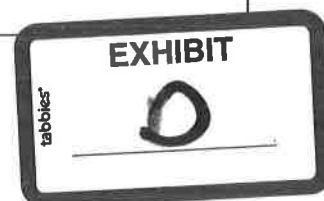
Reston, Virginia

Friday, February 20, 2015

Deposition of:

JERRY R. EGGLESTON

called for oral examination by counsel for Defendants,
pursuant to notice, at Hall & Sethi, PLC,
12120 Sunset Hills Road, Suite 150, Reston, Virginia,
before Toni Camera, of Capital Reporting Company, a
Notary Public in and for the Commonwealth of Virginia,
commencing at 9:35 a.m., when were present on behalf
of the respective parties:



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<p>1 APPEARANCES</p> <p>2</p> <p>3 On behalf of Plaintiff:</p> <p>4 GOBIND S. SETHI, ESQUIRE</p> <p>5 Hall & Sethi, P.L.C.</p> <p>6 12120 Sunset Hills Road, Suite 150</p> <p>7 Reston, Virginia 20190</p> <p>8 (703) 925-9500</p> <p>9 Gsethi@hallandsethi.com</p> <p>10</p> <p>11</p> <p>12 MARK E. STIVERS, ESQUIRE</p> <p>13 P.O. BOX 1737</p> <p>14 Winchester, Virginia 22604</p> <p>15 (540) 722-6168</p> <p>16 Markestivers@comcast.net</p> <p>17</p> <p>18 On behalf of Defendants:</p> <p>19 BRIAN A. CAFRITZ, ESQUIRE</p> <p>20 Kalbaugh, Pfund & Messersmith, PC</p> <p>21 901 Moorefield Park Drive, Suite 200</p> <p>22 Richmond, Virginia 23236</p> <p>(804) 320-6300</p> <p>Brian.cafritz@kpmlaw.com</p> <p>F. BRYANT BLEVINS, ESQUIRE</p> <p>Butler, Pappas, Weihmuller, Katz & Craig, LLP</p> <p>80 S.W. 8th Street, Suite 3300</p> <p>Miami, Florida 33130</p> <p>(305) 416-9998</p> <p>Fblevins@butlerpappas.com</p> <p>*****</p>	<p>1 PROCEEDINGS</p> <p>2 WHEREUPON,</p> <p>3 JERRY R. EGGLESTON</p> <p>4 called as a witness, and having been first duly sworn,</p> <p>5 was examined and testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR</p> <p>7 DEFENDANTS</p> <p>8 BY MR. BLEVINS:</p> <p>9 Q Sir, how do I pronounce your last name?</p> <p>10 A Eggleston.</p> <p>11 Q Eggleston. Okay. My name, as you heard, is</p> <p>12 Bryant Blevins, and I represent Sunbelt Rentals, and</p> <p>13 we're here because we were told that you are the</p> <p>14 expert, or one of the experts they've hired. So we're</p> <p>15 here to ask you some questions. Okay?</p> <p>16 A Okay.</p> <p>17 Q I see you've got something in front of you.</p> <p>18 What is that?</p> <p>19 A It's copies of my reports.</p> <p>20 Q Okay.</p> <p>21 A Stuff that I'll need to look at.</p> <p>22 Q Okay. That's fine. Anytime you need to</p> <p>look at anything in response to questions I'm asking,</p>
3	5
<p>1 CONTENTS</p> <p>2 EXAMINATION BY: PAGE</p> <p>3 Counsel Blevins for Defendants 4</p> <p>4 Counsel for Plaintiff 117</p> <p>5 Counsel Cafritz for Defendants 136</p> <p>6</p> <p>7</p> <p>8 EGGLESTON DEPOSITION EXHIBITS:*</p> <p>9 1 Virginia Commercial Drivers Manual 6</p> <p>10 2 West Virginia Division of Motor Vehicles 6</p> <p>11 CDL Manual</p> <p>12 3 New Virginia Commercial Drivers Manual 6</p> <p>13 4 Federal Motor Carrier Safety Regulations 8</p> <p>14 Pocketbook</p> <p>15 5 Folder 8</p> <p>16 6 RoadPro Website Pages 10</p> <p>17 7 DMV Website Info 112</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 (* Exhibits retained by counsel)</p>	<p>1 then just feel free to do so.</p> <p>2 A Okay.</p> <p>3 Q Anytime you want to take a break, for any</p> <p>4 reasons at all, use the bathroom, just let us know.</p> <p>5 A Okay.</p> <p>6 Q Okay?</p> <p>7 A Okay.</p> <p>8 Q I'll probably do the same. If I could, let</p> <p>9 me take a look at what you've got in front of you.</p> <p>10 A (Witness complies).</p> <p>11 MR. STIVERS: May the record reflect that</p> <p>12 you're looking at what? CDL manuals?</p> <p>13 MR. BLEVINS: Sure. I'll go through it.</p> <p>14 The first one we'll mark as Exhibit 1 is the Virginia</p> <p>15 Commercial Drivers Manual, and it looks like --</p> <p>16 MR. STIVERS: Well, when you say you're</p> <p>17 going to mark them, out of curiosity are you going to</p> <p>18 ask that they be attached to the deposition?</p> <p>19 MR. BLEVINS: No, I'm just marking them.</p> <p>20 MR. STIVERS: For identification?</p> <p>21 MR. BLEVINS: Yeah.</p> <p>22 MR. STIVERS: Okay. Thank you.</p>

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<p style="text-align: right;">6</p> <p>1 (Eggleston Exhibit Number 1 was marked for 2 identification.) 3 BY MR. BLEVINS: 4 Q I'm looking at the materials that you had in 5 your pouch there, and the first one I've marked as 6 Exhibit 1 is the Virginia Commercial Drivers Manual; 7 correct? 8 A Yes, sir. 9 (Eggleston Exhibit Number 2 was marked for 10 identification.) 11 BY MR. BLEVINS: 12 Q Okay. And the next one I'm marking is West 13 Virginia Division of Motor Vehicles CDL Manual. 14 That's Exhibit 2. It's revised 9 of 2000; correct? 15 A 2007. 16 Q Okay. Great. 17 (Eggleston Exhibit Number 3 was marked for 18 identification.) 19 BY MR. BLEVINS: 20 Q And then there's another Virginia Drivers 21 Manual. Is that the same thing? 22 A One is a new one, and one is the old one.</p>	<p style="text-align: right;">8</p> <p>1 (Eggleston Exhibit Number 4 was marked for 2 identification.) 3 BY MR. BLEVINS: 4 Q And I'm holding something called the Federal 5 Motor Carrier Safety Regulations Pocketbook that I 6 marked as Exhibit 4; correct? 7 A Yes, sir. 8 Q And it looks like you have some tabs? 9 A Yes, sir. 10 Q And all those tabs are those related to this 11 lawsuit? 12 A Yes. 13 Q Or your opinions in this lawsuit? 14 A My opinions in this suit. 15 Q And then I've got a manila folder. It's got 16 a lot of stuff in it. I'm going to mark it as 17 Exhibit 5, and Exhibit 5 we will have attached to the 18 deposition. 19 (Eggleston Exhibit Number 5 was marked for 20 identification.) 21 MR. STIVERS: In that case we're going to 22 have to arrange to make additional records.</p>
<p style="text-align: right;">7</p> <p>1 Q Okay. Let's figure out which one is the new 2 one and which is the old one. 3 A The new one has -- that's the new one. 4 Q So what I've marked as Exhibit 3 is the new 5 Virginia Commercial Drivers Manual? 6 A Yes. 7 MR. CAFRITZ: Is there a date of the old 8 one? 9 MR. BLEVINS: I didn't see a date. 10 MR. CAFRITZ: I don't want to hold this up. 11 I can look. 12 MR. STIVERS: This is 2011. December 2011 13 manual. 14 MR. BLEVINS: Okay. And this is what 15 exhibit? 16 MR. STIVERS: That one's marked 1. 17 MR. BLEVINS: Okay. 18 MR. STIVERS: So that's the 2011 manual. 19 That would have been one in effect at the time of the 20 incident. They haven't changed. 21 MR. BLEVINS: Okay. 22 ///</p>	<p style="text-align: right;">9</p> <p>1 MR. BLEVINS: That's fine. 2 MR. STIVERS: Yeah, copies. 3 BY MR. BLEVINS: 4 Q So Mr. Eggleston, do you have a business 5 address? A home address? 6 A 726 Thunder Road, Front Royal, Virginia 7 22630. 8 Q And that is what? 9 A That's my home address. 10 Q Do you have a business address? 11 A Yes, sir. 4228 Martinsburg Pike, 12 Clearbrook, Virginia. 13 Q And what is the business address? 14 A 4228. Oh, what is at the business address? 15 Q Right. What's there? 16 A That's where my truck driver training school 17 is at. 18 Q And what's your truck driver training school 19 called? 20 A RoadPro Commercial Trucking Training, 21 Incorporated. 22 ///</p>

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<p>10</p> <p>1 (Eggleston Exhibit Number 6 was marked for 2 identification.) 3 BY MR. BLEVINS: 4 Q I'll show you what's marked as Exhibit 6. 5 Does that look like the website for your training 6 school? It's printed pages obviously but... 7 A Yes, sir. 8 MR. STIVERS: May the record reflect that 9 Exhibit 10 consists of 10 pages, please. 10 MR. BLEVINS: Exhibit 6. 11 MR. STIVERS: 6. I'm sorry. Consists of 10 12 pages. 13 MR. BLEVINS: Right. 14 Q I don't know if that's every page from your 15 website, but I think it is. 16 A Probably is. I don't know. 17 Q In this website is there anything about how 18 to drive a truck on there, or is it just advertising 19 generally speaking what your training... 20 A It's just generally speaking about what our 21 training program consists of. 22 Q And this RoadPro, who owns that?</p>	<p>12</p> <p>1 A It's probably 60/40. A lot of people, when 2 CDL came in, gave up their license because they 3 thought it was too much of a hassle, and now they want 4 it back. So they have to come back in and get 5 retrained. 6 Q Are you licensed by any government entity? 7 A Licensed by the State of Virginia DMV. 8 Q Any other government entity other than the 9 State of Virginia DMV? 10 A No. 11 Q And so what did you have to do to be 12 licensed by the State of Virginia DMV? 13 A To get the school you had to post \$100,000 14 bond. You had to have all of your equipment -- 15 trucks, trailers, place, office supplies. Everything 16 had to be in place before you were considered for a 17 license. 18 Q Did you have to take any testing to get that 19 license? 20 A No, I had to prove that I had been a CDL 21 driver for at least five years. 22 Q Is there any other requirement to be</p>
<p>11</p> <p>1 A My wife and I. 2 Q And how long has RoadPro been in existence? 3 A Since 2000. 4 Q And how many drivers have taken your course 5 and finished the course, approximately? 6 A Conservative estimate is 250. 7 Q And how long are the courses? 8 A 160 hours. 9 Q What percentages of those drivers start the 10 course but don't finish it, approximately? What 11 percentage of the people taking your course start it 12 but don't finish? 13 A 14 years we've had 4 people that never 14 finished. 15 Q A low percentage? 16 A Yes. 17 Q And are these people that have never driven 18 a truck in their life before or a mix of everything? 19 A A mix of everything. 20 Q Are they experienced drivers getting 21 retrained ever, or is it mostly people starting off in 22 the industry or starting off in the learning curve?</p>	<p>13</p> <p>1 licensed by the State of Virginia DMV to have -- 2 A Yes. 3 Q I speak slowly. So just wait until I 4 finish. You're going to anticipate a lot of the 5 questions I'm going to ask you, but you'll want to 6 know, you know, what I'm saying before you answer. 7 A Okay. 8 Q So I was saying is there any other 9 requirement to be licensed by the State of Virginia 10 DMV to have a driver training school other than five 11 years with a CDL license? 12 A You have to go through a background check 13 with the FBI every year. You have to fill out your 14 accident reports, if any, for every year. 15 Q That sounds like you're telling me there's 16 ongoing requirements; right? 17 A Start-up and ongoing, yes, sir. 18 Q I just want to limit my questions to 19 start-up. 20 A Okay. 21 Q To be licensed by the State of Virginia DMV 22 to have a truck driver training school, is there any</p>

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<p>14</p> <p>1 other requirement other than you have a CDL license 2 that's valid for the previous five years and you 3 passed the initial background check by the FBI and the 4 initial accident history check? 5 A No, sir. 6 Q So in Virginia anybody who has a CDL license 7 for five years passes the FBI background check, 8 doesn't have certain types of accidents that would 9 strike them from the list, can start their own truck 10 driver training school? 11 A If they can post the \$100,000 bond. 12 Q Do you have any employees at RoadPro? 13 A Yes, sir. 14 Q Who is that? 15 A You want their names or just how many? 16 Q Let's go with how many. 17 A I've got one in Martinsville, and I've got 18 three at the Clearbrook location. 19 Q Okay. 20 A Plus myself. 21 Q To start the school did you need a certain 22 number of trucks?</p>	<p>16</p> <p>1 trailer on it? 2 A Yes, sir. 3 Q And do you remember is that a certain kind 4 of '97 Volvo? What makes it a Class A? 5 A Because it's a tractor. Pull a trailer. 6 Q What I'm trying to find out is are there 7 different size tractors that can pull trailers, or are 8 they all generally, if they're Class A, they're big 9 enough to pull a trailer or something else? 10 A Well, Class A is for tractor trailer. It 11 doesn't really matter the size. 12 Q And then how long before you got a second 13 truck, if you did? 14 A Probably three years. 15 Q So if I'm right and I'm understanding you, 16 from 2000 to around 2003 you had that one '97 Volvo? 17 A Yes. 18 Q That was your only truck for the school? 19 A Yes. 20 Q Around 2003 you had a second truck or more 21 than that? 22 A Added a second one.</p>
<p>15</p> <p>1 A No. 2 Q Did you need to have any trucks? 3 A Yes. 4 Q So you had to have at least one truck? 5 A Yes, sir. 6 Q And I guess a trailer? 7 A Yes, sir. 8 Q Is it a certain minimum size truck you had 9 to have? 10 A For a Class A school, it had to be a Class A 11 vehicle. 12 Q And when you started the school, how many 13 trucks did you have when you started it? 14 A When I started I just had one. 15 Q And that was in 2000? 16 A Yes, sir. 17 Q And what truck was that, if you recall? 18 A It was a '97 Volvo. 19 Q I drive a Volvo, but I'm guessing it wasn't 20 the same one. 21 A No. 22 Q All right. The '97 Volvo, that had a</p>	<p>17</p> <p>1 Q And what was that? 2 A '96 Freightliner. 3 Q While you had that '97 Volvo from 2000 to 4 2003, did you use it for anything other than the 5 school? 6 A Yes, sir. 7 Q What did you use it for? 8 A I operated a trucking business at the same 9 time. When I didn't have students, I would run the 10 trucking business. 11 Q And what was your trucking business called? 12 A At that time it was J&M Carriers. 13 Q J&M? 14 A J -- 15 Q With an ampersand in the middle? 16 A Ampersand in the middle, yes. 17 Q And who owned that trucking company? 18 A My wife and I. 19 Q Does your wife drive trucks? 20 A Yes, sir. 21 Q Does she or was she ever an instructor at 22 your school, RoadPro?</p>

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<p style="text-align: right;">18</p> <p>1 A Yes, sir.</p> <p>2 Q Has she been an instructor the whole time?</p> <p>3 A No, she hasn't instructed since about 2005.</p> <p>4 Q And why is that?</p> <p>5 A Just she had other things she wanted to do,</p> <p>6 and school was going good enough. We just hired other</p> <p>7 instructors.</p> <p>8 Q J&M, is that company still in business?</p> <p>9 A No, sir.</p> <p>10 Q When did you shut that down?</p> <p>11 A This year. Well, '14. I'm sorry.</p> <p>12 Q Okay. And why did you shut that down?</p> <p>13 A Just decided to concentrate on the school.</p> <p>14 I'm 71 years old. It was time to get off the road.</p> <p>15 Q Were you and her working for J&M driving</p> <p>16 from 2000 to 2014?</p> <p>17 A Just me. She hadn't driven, like I say,</p> <p>18 from about 2005, but she does maintain her CDL.</p> <p>19 Q So she stopped teaching at the school around</p> <p>20 2005, and she stopped driving around 2005?</p> <p>21 A Yes, sir.</p> <p>22 Q Was it because of any license issues or</p>	<p style="text-align: right;">20</p> <p>1 Q Congratulations. And all of those are from</p> <p>2 you and your wife?</p> <p>3 A Yes.</p> <p>4 Q And what's your wife's name?</p> <p>5 A Marylin, M-A-R-Y-L-I-N.</p> <p>6 Q And what's the name of the food business?</p> <p>7 A Tana's kitchen.</p> <p>8 Q Tana's kitchen?</p> <p>9 A Yes.</p> <p>10 Q At your trucking, the RoadPro, do you have</p> <p>11 any mechanics?</p> <p>12 A Just me.</p> <p>13 Q Are you a qualified mechanic for a Class A</p> <p>14 truck?</p> <p>15 A I would hope so. I've been doing it for 50</p> <p>16 years.</p> <p>17 Q Is there any licensing you have to have or</p> <p>18 training to be --</p> <p>19 A No. If I was going to be a mechanic for</p> <p>20 some other company, I would have to have an AMCA</p> <p>21 license, but for myself, no.</p> <p>22 Q Was that something you learned on the job,</p>
<p style="text-align: right;">19</p> <p>1 health issues, or she had done enough of that?</p> <p>2 A Her daughter and her started her own</p> <p>3 business.</p> <p>4 Q What was that?</p> <p>5 A It's a food business.</p> <p>6 Q What kind of food business is it?</p> <p>7 A I don't know if you're familiar with Dinner</p> <p>8 Done! Stuff like that. They have a website. If you</p> <p>9 go on the website, they have 14 entrees. You pick out</p> <p>10 the entrees you want, and they go buy the stuff, they</p> <p>11 fix it, and put the meals together, prepare them and</p> <p>12 then freeze them, and deliver them.</p> <p>13 Q They do that out of your house or somewhere</p> <p>14 else?</p> <p>15 A At my daughter's house in Warrenton.</p> <p>16 Q What's your daughter's name?</p> <p>17 A Tana.</p> <p>18 Q T-A-N-A?</p> <p>19 A Yes.</p> <p>20 Q While I'm on that, how many children do you</p> <p>21 have?</p> <p>22 A I have five.</p>	<p style="text-align: right;">21</p> <p>1 or are you trained as a mechanic, or went to school</p> <p>2 for mechanics?</p> <p>3 A Both. I went to school at the Denver</p> <p>4 Automotive Institute for Diesel Mechanics, and the</p> <p>5 rest of it's been the school of hard knocks.</p> <p>6 Q So for the first year in 2000, how many</p> <p>7 students did you have, approximately?</p> <p>8 A It was a pretty poor year. I think had I</p> <p>9 probably 6.</p> <p>10 Q And then the next year?</p> <p>11 A Probably went up to 20.</p> <p>12 Q And how many students did you have</p> <p>13 approximately in 2014? Last year?</p> <p>14 A Approximately 50.</p> <p>15 Q 50?</p> <p>16 A Yeah.</p> <p>17 Q And how much do they pay for this course?</p> <p>18 A It varies. If they go for the full course</p> <p>19 and they're from Virginia, it's \$3,800; if they're</p> <p>20 coming back for a recertification and they haven't</p> <p>21 been out more than five years, it's \$2,600; and if</p> <p>22 they're from West Virginia, it's \$4,000.</p>

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<p style="text-align: right;">22</p> <p>1 Q The West Virginia people are not going to be 2 happy to hear that. 3 A Well, they gotta be because I gotta take 4 them to West Virginia to test them plus I have to pay 5 \$100 test fee for them. 6 Q So if you're taking the full course, it's 7 160 hours; is that right? 8 A Yes, sir. 9 Q \$3,800? 10 A Yes, sir. 11 Q The recertification, how many hours is that? 12 A That's an 80-hour course. 13 Q And that's \$2,600? 14 A Yes. 15 Q And if you're out of state is there a 16 different state? 17 A For the West Virginia it's another \$200. 18 Q And if you're from some other state besides 19 West Virginia or Virginia? 20 A I don't take anything else other than West 21 Virginia. 22 Q And Virginia?</p>	<p style="text-align: right;">24</p> <p>1 Q Okay. 2 A So we can pretty well control where they go 3 and what they do. 4 Q And do you have permission from these 5 industrial parks, or is it just public roads that you 6 know you can use? 7 A Both. 8 Q Which ones do you have permission in? 9 A Stonewall Industrial Park. 10 Q What is Stonewall Industrial Park? 11 A An industrial park in Winchester. 12 Q I just meant is it one company, or is it a 13 number of companies there? 14 A It's a number of different companies. 15 Q And whoever owns the whole park, you've 16 gotten permission from? 17 A I got from the manager. 18 Q Do you pay any fee there? 19 A No. 20 Q Any of your students, since 2000, been in 21 any accidents while they were driving in your courses? 22 A There was one accident on a public road and</p>
<p style="text-align: right;">23</p> <p>1 A Yes. 2 Q And how much of that, let's say the 160 3 hours, the full course, how much of that is actually 4 driving a truck, and how much of it is classroom? 5 A Mandatory 40 hours classroom. The rest of 6 it is in, on, around with the truck driving, 7 inspection, backing, observation. Most all of our 8 students graduate with between 1,000 and 1,500 miles 9 behind the wheel. 10 Q And where your school is located, RoadPro, 11 does it have some roads on it that you would be using 12 just on your private property there? 13 A No. 14 Q So is everything that they're doing, when 15 they're driving the truck, on the public roads? 16 A In industrial parks mainly. When we first 17 start out and then later on on the highways. 18 Controlled environments when they first start out. 19 Q And how is it a controlled environment if 20 you're out on the public roads? 21 A Well, industrial parks are not a public road 22 basically, and there's not a lot of traffic.</p>	<p style="text-align: right;">25</p> <p>1 one accident in the yard. 2 Q When was the accident on the public road, 3 approximately? 4 A Approximately 2012. 5 Q Do you remember the name of the student? 6 A Not offhand, no. 7 Q But you would have a record somewhere of who 8 it was? 9 A Yes. 10 Q Who was driving with him? 11 A My son Thomas. He's a licensed instructor 12 also. 13 Q How old is Thomas, approximately? 14 A 44. 15 Q How long has he had a CDL license, 16 approximately? 17 A 15 years. 18 Q What was the accident? 19 A A woman pulling a 40 foot, 40 or 45 foot, 20 camper trailer passed the truck on one of the river 21 bridges there in Front Royal, and she pulled in way 22 too quick, and the trailer come over and cut the</p>

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<p style="text-align: right;">26</p> <p>1 mirror on the truck and ripped the driver's side door 2 off the truck. 3 Q Anybody injured? 4 A No, thank goodness. 5 Q Anybody cited? 6 A The lady pulling the camper. 7 Q Has your son ever had any accidents when he 8 was driving a Class A truck or any other large truck? 9 A He's had one. It ended up being a 10 nonchargeable. 11 Q What was the accident? 12 A He was turning in to a Home Depot up in 13 New Jersey, and a guy tried -- as he came in, the guy 14 tried to cut in beside him, and consequently got the 15 hood of his car ran over. 16 Q When was that about, approximately? 17 A Approximately five years ago. 18 Q So your son was coming off of a public road 19 and turning in to the entranceway of a Home Depot? 20 A Yes. 21 Q And was he making a right or a left? 22 A Left.</p>	<p style="text-align: right;">28</p> <p>1 I don't remember what it was, but he got the ticket. 2 Q Did you talk to Thomas about that accident? 3 A Pardon? 4 Q Did you talk to Thomas about that accident? 5 A Yes, sir. 6 Q I'm assuming he didn't see that car to his 7 left? 8 A No, he was paying -- there's too many things 9 to watch to worry about when you're on a private 10 one-way road to worry about somebody coming in beside 11 you. 12 Q So Thomas never saw the car on his left 13 before he started his left turn? Fair to say? 14 A No, the car wasn't there until after he 15 started his turn. 16 Q And after he started his turn, he never saw 17 the car? 18 A The guy came in beside him just after he 19 started. I mean, it probably all happened within two 20 seconds. 21 Q Okay. At any point in time, when Thomas was 22 making that left-hand turn and there was a car on his</p>
<p style="text-align: right;">27</p> <p>1 Q He was making left cutting across oncoming 2 traffic lanes? 3 A Well, it was private drive in. It wasn't a 4 two-lane highway. It was a private drive, private 5 entrance, into Home Depot off of a public road. 6 Q Was he already -- 7 A He was in the entrance -- okay. Public road 8 was here, the entrance to Home Depot was here, and 9 then you had to come in like this to get to the docks 10 (demonstrating). 11 Q Okay. 12 A And the guy tried to cut him off as he was 13 making a left turn off this entrance into the docks. 14 Q So if I understand you correctly, your son 15 was on the Home Depot property? 16 A Yes. 17 Q Making a left-hand turn, and there was a car 18 to his left? 19 A Yes, coming beside him. 20 Q And he went over the front edge of that car 21 when he was making his left-hand turn? 22 A Yes. The driver of the car was cited for --</p>	<p style="text-align: right;">29</p> <p>1 left, I guess when you talked to him he had never seen 2 it even after he starting to make the turn? Fair to 3 say? 4 A He didn't see the car until after. 5 Q He impacted it? 6 A He impacted it. 7 May I ask what this has to do with this 8 case? 9 Q What's that? 10 A May I ask what does this all have to do with 11 this case? 12 Q Well, actually, I'm the only one that gets 13 to ask questions today, but you can talk to your 14 attorney about it afterwards. 15 MR. STIVERS: He's calling for hearsay 16 information. 17 THE WITNESS: For me, but he doesn't need to 18 bring my family into it. 19 BY MR. BLEVINS: 20 Q I'm just trying to find out all the 21 knowledge that you have about trucking. 22 A Okay. That's me, not my family.</p>

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<p>30</p> <p>1 Q Any of your other five kids drive trucks?</p> <p>2 A No, sir.</p> <p>3 Q Is that the only accident you know of that</p> <p>4 Thomas has been in driving a truck?</p> <p>5 A Yes, sir.</p> <p>6 Q How about yourself, Mr. Eggleston? Have you</p> <p>7 ever been in an accident driving a truck?</p> <p>8 A Never been in a chargeable accident, no,</p> <p>9 sir.</p> <p>10 Q What does that mean? That you've never been</p> <p>11 in an accident?</p> <p>12 A There's been accidents, but I've never been</p> <p>13 at fault.</p> <p>14 Q Okay. And how many accidents have you been</p> <p>15 in driving a truck?</p> <p>16 A Two.</p> <p>17 Q When was the last one?</p> <p>18 A Probably 2007.</p> <p>19 Q You were just approximating?</p> <p>20 A Yes.</p> <p>21 Q And where was that one?</p> <p>22 A On 522 north out of Front Royal.</p>	<p>32</p> <p>1 A 55.</p> <p>2 Q Is that the speed limit?</p> <p>3 A For trucks at that time, yes.</p> <p>4 Q And a car pulled in front of you, and you</p> <p>5 couldn't stop in time?</p> <p>6 A Yeah, car coming from three lanes over and</p> <p>7 cut me off trying to make an exit.</p> <p>8 Q Anybody injured in that one?</p> <p>9 A No, sir.</p> <p>10 Q Any lawsuit?</p> <p>11 A No, not on my part. He hit three other</p> <p>12 cars. I don't know if they did or not.</p> <p>13 Q Have you given any training to Thomas, your</p> <p>14 son?</p> <p>15 A Yes, I trained him.</p> <p>16 Q At your school?</p> <p>17 A Yes, sir.</p> <p>18 Q When was that?</p> <p>19 A 2000.</p> <p>20 Q And I may have asked you, but I can't</p> <p>21 remember. Was that to get his original license?</p> <p>22 A Original CDL, yes.</p>
<p>31</p> <p>1 Q And what happened in that accident?</p> <p>2 A Vehicle beside me blew a tire and swerved</p> <p>3 into me. Blew a tire and swerved in front of me.</p> <p>4 Q Was there a lawsuit from that accident?</p> <p>5 A No, sir.</p> <p>6 Q Anybody injured?</p> <p>7 A No, sir.</p> <p>8 Q What was the other accident?</p> <p>9 A Basically the same thing only the car didn't</p> <p>10 blow a tire. He just cut in front of me, and I didn't</p> <p>11 have time to stop before he got in -- before I got</p> <p>12 into it.</p> <p>13 Q Where was that one?</p> <p>14 A On 495.</p> <p>15 Q And approximately when was that accident?</p> <p>16 A 2004, 2003. I don't know.</p> <p>17 Q And was this on a highway or --</p> <p>18 A 495 interstate.</p> <p>19 MR. CAFRITZ: Capital Beltway.</p> <p>20 BY MR. BLEVINS:</p> <p>21 Q So approximately how fast were you going at</p> <p>22 that time?</p>	<p>33</p> <p>1 Q And going back to that accident that he had,</p> <p>2 and what I'm trying to find out really is just</p> <p>3 everything about trucking that you know because you're</p> <p>4 the expert, I'm not.</p> <p>5 When he made that left turn, did he make any</p> <p>6 mistake?</p> <p>7 A No, sir. He had his signals on. He had the</p> <p>8 right-of-way.</p> <p>9 Q And I may have asked you this already. I</p> <p>10 think you said two of your students, in the 14 years</p> <p>11 you've had this company, have been involved in</p> <p>12 accidents?</p> <p>13 A Yes, sir.</p> <p>14 Q One of them you told me about with the lady</p> <p>15 with the trailer. Was there another one you told me</p> <p>16 about?</p> <p>17 A One happened in the yard.</p> <p>18 Q How big is your yard, approximately?</p> <p>19 A Well, the yard we were in at that time was</p> <p>20 probably 6 acres.</p> <p>21 Q And how big is the yard now that you have?</p> <p>22 A Taking the buildings out of it and</p>

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<p>34</p> <p>1 everything, probably 6 to 7 acres. 2 Q Is that all hardtop? You can drive all over 3 it, or you can't? 4 A You can drive on the roads. They're not 5 hardtops. They're gravel. 6 Q What was the accident in the yard? 7 A Cut the corner too sharp and hooked the guy 8 right on a power pole and tore it down. 9 Q And was he making a left-hand turn or a 10 right-hand turn? 11 A He was making a left. 12 Q Is that one of the dangers for drivers of 13 these types of vehicles? That you can cut the corner 14 too sharp and hit something that's on that corner? 15 A Yes, because of the off tracking. 16 Q Can you do that with a truck that doesn't 17 off track also? 18 A There's corners that cut too sharp, yeah, 19 but straight trucks don't off track. 20 Q Understood. 21 A As bad as a semi, but all trucks are hard to 22 turn no matter what.</p>	<p>36</p> <p>1 Q Is not coming too close to the corner. Fair 2 to say? 3 A Not cutting the corner too short. 4 Q And have you ever done that? Have you cut 5 the corner too short whether you were on a single 6 track or pulling a trailer? 7 A Everybody has at one time or another. Even 8 cars. 9 Q I'm just asking for your personal 10 experience. You have how many years driving semis? 11 A I have over 50 years driving. 12 Q And in those 50 years, one of the risks you 13 were always aware of is cutting corners too sharp, and 14 even when you're aware of that, it's happened to you. 15 Fair to say? 16 A It's bound to happen sometime or another, 17 yes, sir. 18 Q And why do you say it's bound to happen? 19 A It's one of life's great mysteries, I guess. 20 Sooner or later it's going to happen one way or the 21 other. 22 Q Even if you're taking the utmost care you</p>
<p>35</p> <p>1 Q So we can agree that all trucks are hard to 2 turn no matter what? Fair to say? 3 A Depending on the circumstances, yes. 4 Q I'm just asking you if that was your 5 opinion? 6 A They're harder than a car, yes. 7 Q Okay. And just so a jury understands, off 8 tracking is when you're pulling a trailer and those 9 wheels don't follow exactly in the line of the 10 tractor. Fair to say? 11 A Yes, they cut across. 12 Q So when you have a tractor pulling behind 13 and you go to make a turn, one of the problems is you 14 could turn too close to the curb and hit anything that 15 might be there, whether it's a person, a fire hydrant, 16 a telephone pole, anything that's on that corner. 17 Fair to say? 18 A Yes, sir. 19 Q So that's one of the things you want to be 20 cognizant of, when you're making a turn in a truck, 21 whether it has a trailer, or it's a single truck? 22 A Yes, sir.</p>	<p>37</p> <p>1 could take? 2 A No. If you're taking the utmost care, it's 3 not going to happen because you're not going to make 4 that turn. 5 Q So when you took turns and you hit something 6 on the corner, are you just saying you weren't as 7 careful as you should have been? 8 A I never hit anything on the corner. I 9 rubbed the curbs. I've never hit anything other than 10 the curb. 11 Q Have you had the trailer go up on the curb? 12 A No, sir. 13 Q Never in 50 years? 14 A No, sir. If you can't make the corner, you 15 go someplace else. 16 Q One of the ways to make the corner, you 17 would agree, is to just turn wider? Fair to say? 18 A No, sir. 19 Q That's not a way to do it? 20 A That's not allowed. Certain instances it is 21 allowed with a tractor trailer. If you are able to 22 block the right-hand lane, you're allowed to</p>

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<p style="text-align: right;">38</p> <p>1 consciously move over into the left-hand lane to make</p> <p>2 the turn, but you have to have a vehicle that you can</p> <p>3 block the right-hand lane with.</p> <p>4 Q And have you ever made a right-hand turn in</p> <p>5 your 50 years of driving and caught any car that was</p> <p>6 on your right-hand side?</p> <p>7 A No, sir.</p> <p>8 Q You've never done that and come to a stop</p> <p>9 because you saw the car right there next to you?</p> <p>10 A No, sir.</p> <p>11 Q How many trucks do you have in RoadPro now?</p> <p>12 A Three.</p> <p>13 Q And when did you get the third one?</p> <p>14 A I can't remember.</p> <p>15 Q In the last five years?</p> <p>16 A Probably in 2007 or 2008. I'm not sure.</p> <p>17 Q And what kind of truck was that? You said</p> <p>18 the first one was a Volvo, the second one was a</p> <p>19 Freightliner.</p> <p>20 A All three trucks are Freightliners now.</p> <p>21 Q And you were telling me you've got one</p> <p>22 instructor in Martinsville. What's his name?</p>	<p style="text-align: right;">40</p> <p>1 THE WITNESS: Yeah, it's pronounced Preal.</p> <p>2 I'm not sure how to spell it.</p> <p>3 BY MR. BLEVINS:</p> <p>4 Q Since 2000 how much driving did you do with</p> <p>5 your own company not teaching?</p> <p>6 A Over my entire career I've had over</p> <p>7 5 million miles.</p> <p>8 Q What I was trying to figure out is from 2000</p> <p>9 to 2014 -- you stopped driving in 2014?</p> <p>10 A Yes.</p> <p>11 Q For those 14 years, about how many days out</p> <p>12 of the year did you drive privately with your company</p> <p>13 or how many miles? However you can do it.</p> <p>14 A I probably averaged 80,000 miles a year.</p> <p>15 Q 80,000 miles last year too? 2014?</p> <p>16 A No.</p> <p>17 Q How many miles last year?</p> <p>18 A Probably 5 to 10. I'm not sure. Thousand.</p> <p>19 Q Right. And Thomas, did he drive privately</p> <p>20 too? Do all these drivers drive privately when</p> <p>21 they're not teaching?</p> <p>22 A No. Two of them are retired, and my son is</p>
<p style="text-align: right;">39</p> <p>1 A Harry Seay.</p> <p>2 Q I didn't catch the last name.</p> <p>3 A Seay.</p> <p>4 Q S-A-Y?</p> <p>5 A S-E-A-Y.</p> <p>6 Q And how long has he been in your employ,</p> <p>7 approximately?</p> <p>8 A Approximately six years.</p> <p>9 Q And you have three in Clearbrook? Three</p> <p>10 instructors in Clearbrook?</p> <p>11 A Yeah, four including me.</p> <p>12 Q And who are the other three?</p> <p>13 A Rob Athey.</p> <p>14 Q Can you spell his last name?</p> <p>15 A A-T-H-E-Y. Charles Preal.</p> <p>16 Q And can you spell his last name, if you can?</p> <p>17 A P-R-E-A-L, I believe.</p> <p>18 Q Okay.</p> <p>19 A And Thomas Eggleston.</p> <p>20 Q Your son?</p> <p>21 A Yes.</p> <p>22 MR. CAFRITZ: The last you said P-R-E-A-L?</p>	<p style="text-align: right;">41</p> <p>1 going to college. He teaches only for me on his days</p> <p>2 off. I hire mostly retired truck drivers for my</p> <p>3 instructors.</p> <p>4 If you don't mind, I'd like to take a little</p> <p>5 break?</p> <p>6 MR. BLEVINS: No problem. Like I said,</p> <p>7 anytime you want to take a break.</p> <p>8 (Whereupon, a brief recess was taken.)</p> <p>9 BY MR. BLEVINS:</p> <p>10 Q And what are you charging for your time here</p> <p>11 today?</p> <p>12 A Is this considered court time or not?</p> <p>13 Q This is considered a deposition. So it</p> <p>14 wouldn't be -- you are not in court but...</p> <p>15 MR. SETHI: The rate is so reasonable. It's</p> <p>16 court rate, but I don't think it even -- just give him</p> <p>17 your court rate, Jerry. Just tell him. I'm sorry.</p> <p>18 I'm injecting.</p> <p>19 MR. BLEVINS: That's fine.</p> <p>20 Q What's your court rate?</p> <p>21 A \$85 an hour.</p> <p>22 MR. STIVERS: And for the record, the</p>

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<p style="text-align: right;">42</p> <p>1 balance of his time is \$25 an hour. 2 MR. BLEVINS: I'll get to that. 3 MR. STIVERS: Yeah. 4 BY MR. BLEVINS: 5 Q And how much are you charging the attorneys 6 that hired you in this case per hour? 7 A \$25 an hour for reports. \$85 an hour for 8 court time. 9 Q And approximately how many hours have you 10 spent on this case total? 11 A 40, 42. 12 Q And what does that time break down to, 13 approximately? 14 A Mr. Stivers has paid me approximately 15 \$1,300. Well, he has paid me \$1,300. 16 Q Have you read the deposition of 17 Mr. Galloway? 18 A Yes, sir. 19 Q Have you read the deposition of Mr. Church? 20 A Yes. 21 Q Have you read the deposition of the 22 Underwoods?</p>	<p style="text-align: right;">44</p> <p>1 A Based on the fact that Mr. Church made an 2 illegal turn by taking up three lanes to make a 3 right-hand turn. 4 Q That sounds more like, and I could be wrong, 5 what your opinion is, but I'm asking what you looked 6 at? Anything you reviewed? Everything I -- 7 A Okay. Everything -- 8 Q You have to wait until -- 9 A Okay. 10 Q If you don't wait until I finish, then when 11 we go to trial, it's going to be a jump on. This 12 young lady has to take one of us at a time. Okay? 13 A Okay. 14 Q So what I'm asking is what your opinions are 15 based on? In other words, if you want to go through 16 your file that's in front of you. I don't need the 17 exact portion, but did you base some of your opinions 18 on Exhibit 3, which is the Virginia Commonwealth 19 Drivers Manual? 20 A Yes, sir. 21 Q Okay. Did you base your opinions on the 22 Federal Motor Carrier Safety Regulations Pocketbook,</p>
<p style="text-align: right;">43</p> <p>1 A I don't recall an Underwood. 2 Q Have you spoken with these two attorneys 3 that are here representing Mr. Galloway today about 4 the testimony of the Underwoods? 5 A The Underwoods -- I'm not sure that I 6 understand. 7 Q Okay. Have you heard that name, Underwood? 8 A Possibly, yes. 9 Q Do you know anything about the testimony 10 that the Underwoods gave? 11 A No. 12 Q Does the Underwoods' testimony, whatever it 13 was, factor into your opinions at all today? 14 A No. 15 Q Do you need any other information, other 16 than you've already gone through, to reach the 17 opinions that you have today? 18 A No, sir. 19 Q Are your opinions today final? 20 A Yes, sir. 21 Q And what are your opinions based on? If you 22 could go through that for me.</p>	<p style="text-align: right;">45</p> <p>1 which is Exhibit 4? 2 A Yes, sir. 3 Q Did you base your opinions, to some extent, 4 on the West Virginia Division of Motor Vehicles CDL 5 Manual, which is Exhibit 2? 6 A Yes, sir. 7 Q What else did you base your opinions on? 8 That's what I'm trying to find out. 9 A Okay. It's all listed here in my report. 10 Q Okay. 11 A I can read it to you if you'd like? 12 Q Sure. 13 MR. STIVERS: I think it's the last page in 14 the report to save some time. 15 MR. BLEVINS: Sure. 16 THE WITNESS: I viewed the large aerial VDOT 17 photograph; the Goldstar videotape and stills of the 18 collision; Plaintiff's Complaint; Defendants' Answer; 19 deposition of Mr. Galloway, Mr. Acome and Mr. Church; 20 Sunbelt truck measurements, inside and outside of cab 21 mirrors and red paint seen around portions of 22 passenger side headlights; Moped operated by</p>

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<p style="text-align: right;">46</p> <p>1 Mr. Galloway and red helmet that he was wearing; 2 Federal Motor Carrier Safety Administration 3 regulations; Virginia and West Virginia Commercial 4 Drivers Manuals; photographs from the day of the 5 incident and truck; work records for Mr. Church; 6 customer ticket for the ride-on sweeper; accident 7 report given by Mr. Church to his employer; state 8 police report and witness statement by Mr. Church; 9 mapping and stills of Goldstar video, survey, 10 measurements of the roadway, Sunoco lot, and vehicles 11 by Marsh & Legge Land Surveyors, PLC. 12 BY MR. BLEVINS: 13 Q Anything else you reviewed, whether it's 14 depositions or any other documents or statutes or 15 regulations other than what you've already just told 16 me to reach your opinions? 17 A No, not that I can think of. 18 Q The large aerial VDOT photograph, what did 19 you glean from that? How did that affect your 20 opinion? 21 A It showed the position of the truck and the 22 Moped and then the entire lot, highway, stoplight,</p>	<p style="text-align: right;">48</p> <p>1 Q What about the sweeper? 2 A It obstructed his view out of his rear 3 window. 4 Q Did you inspect the truck when the sweeper 5 was on the back? 6 A No, sir. 7 Q Then how did you reach the conclusion that 8 whatever was on Mr. Church's truck blocked his view? 9 A Because it was a large street sweeper, and 10 it was loaded on his truck. It would be loaded to the 11 front. So it would obstruct the view out his window. 12 Q So just so I'm clear, you mean the rear view 13 mirror that's in the middle of the front windshield, 14 or do you mean the side mirrors? 15 A It doesn't have a rear view mirror in the 16 middle of the windshield. 17 Q Okay. 18 A He would have to look out his rear window. 19 Q So whatever Mr. Church was carrying on his 20 truck, if he turned around and looked out his rear 21 window, his view would be obstructed by whatever he 22 was carrying?</p>
<p style="text-align: right;">47</p> <p>1 everything. 2 Q Did the Plaintiff's Complaint or the 3 Defendants' Answer factor into your opinion in any 4 way? 5 A Not really. 6 Q You inspected the Moped operated by 7 Mr. Galloway. Did that inspection reveal anything 8 about the accident or how it happened? 9 A No, sir. 10 Q Did it affect your opinion in any way? 11 A No, sir. 12 Q It says, "Customer ticket for the ride-on 13 sweeper." What is that? 14 A Bill of lading for the sweeper that 15 Mr. Church had on the back of his truck. 16 Q Did that impact in any way or affect your 17 opinion in how this accident happened? Who was at 18 fault? 19 A I don't understand. 20 Q The bill of lading, did it have anything to 21 do with your opinions today? 22 A The bill of lading, no. Sweeper, yes.</p>	<p style="text-align: right;">49</p> <p>1 A Yes. 2 Q Is that pretty much consistent with 3 everybody who's carrying something? 4 A Yes. 5 Q Have you ever done an accident 6 reconstruction? 7 A No, sir. 8 Q Do you know what an accident reconstruction 9 is? 10 A General idea, yes, sir. 11 Q What is it? 12 A Try to place everybody in the places they 13 were when the accident happened. 14 Q And you've never done that before? 15 A No, sir. 16 MR. STIVERS: Objection. He's not being 17 offered as an accident reconstructionist. 18 MR. BLEVINS: I'm just asking questions. 19 MR. STIVERS: I understand. 20 BY MR. BLEVINS: 21 Q Have you ever been hired by any attorneys to 22 give an opinion to how an accident happened?</p>

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<p>50</p> <p>1 A No.</p> <p>2 Q Have you ever been hired by any attorneys to</p> <p>3 give an opinion about whether or not a truck driver</p> <p>4 made a mistake while driving a Class A truck?</p> <p>5 A No.</p> <p>6 Q So what you're doing here today you've never</p> <p>7 done before in your life?</p> <p>8 A Never been an expert witness before, yes,</p> <p>9 sir.</p> <p>10 Q Never been qualified by any state or federal</p> <p>11 court as an expert witness?</p> <p>12 A No, sir.</p> <p>13 Q Do you have any idea why you were obtained</p> <p>14 as an expert in this case without any experience in</p> <p>15 this field?</p> <p>16 A Trooper Steve Marks contacted Mr. Stivers</p> <p>17 and suggested that he contact me.</p> <p>18 Q Who is Trooper Steve Marks?</p> <p>19 A He's the head enforcement officer for the</p> <p>20 DOT in our area, the Shenandoah Valley.</p> <p>21 Q Did he investigate this accident?</p> <p>22 A No, sir.</p>	<p>52</p> <p>1 MR. BLEVINS: Sounds like two different</p> <p>2 stories, but okay.</p> <p>3 MR. STIVERS: That's why I'm trying to make</p> <p>4 sure that record is clear.</p> <p>5 BY MR. BLEVINS:</p> <p>6 Q Do you know why Mr. Marks would think that</p> <p>7 you were qualified to be an expert to give opinions in</p> <p>8 this case?</p> <p>9 A Oh, I've had some dealings with Mr. Marks.</p> <p>10 Q What dealings are those?</p> <p>11 A Safety inspection stations. Some of them</p> <p>12 I've sent my trucks in to get them inspected, and</p> <p>13 they've come back with \$2,000 or \$3,000 bills and</p> <p>14 stuff that needed fixed, and I told them it didn't</p> <p>15 need it. Bring my truck home, I inspected the trucks,</p> <p>16 and I couldn't find them. I call Mr. Marks. We went</p> <p>17 over to the scales. He inspected my trucks. Two</p> <p>18 other offices inspected my trucks. They couldn't find</p> <p>19 anything wrong. So they went back in and dealt with</p> <p>20 the inspection stations.</p> <p>21 Q So did you know Mr. Marks before this issue</p> <p>22 arose?</p>
<p>51</p> <p>1 Q Whoever the trooper was that was at this</p> <p>2 accident, does he work for Steve Marks?</p> <p>3 A No, he doesn't work for him.</p> <p>4 Q What's the relationship?</p> <p>5 A They're both troopers.</p> <p>6 Q But they're in --</p> <p>7 A Different divisions. Mr. Marks is in the</p> <p>8 DOT division, and the other is just a trooper.</p> <p>9 MR. STIVERS: So the record is clear,</p> <p>10 Mr. Marks is someone that I know, and so that this</p> <p>11 record is absolutely clear, I was speaking with</p> <p>12 Mr. Marks about who in the area he believed would be</p> <p>13 qualified to talk about this particular incident.</p> <p>14 Steve Marks gave me Jerry Eggleston's name.</p> <p>15 MR. BLEVINS: Okay.</p> <p>16 MR. STIVERS: I didn't fully explain to</p> <p>17 Jerry Eggleston how I know Steve Marks or whatever the</p> <p>18 case may be. I know that they know each other. So</p> <p>19 we're clear on that.</p> <p>20 MR. BLEVINS: Okay.</p> <p>21 MR. STIVERS: He said Steve Marks contacted</p> <p>22 me.</p>	<p>53</p> <p>1 A No.</p> <p>2 Q So at some point your trucks -- and these</p> <p>3 are the trucks that you use in the school?</p> <p>4 A Yes, sir.</p> <p>5 Q Were on the road with your students or on</p> <p>6 the road?</p> <p>7 A I'd send them to get their annual</p> <p>8 inspection.</p> <p>9 Q So the trucks have to get their annual</p> <p>10 inspection, and when you sent them in, you were given</p> <p>11 some kind of fine, I guess?</p> <p>12 A No.</p> <p>13 Q What is it called?</p> <p>14 A They refused to give me a sticker because of</p> <p>15 what they said was wrong with the truck, but nothing</p> <p>16 was wrong with it.</p> <p>17 Q Okay. And then you went to the top guy, I</p> <p>18 guess, who was Steve Marks?</p> <p>19 A Yes.</p> <p>20 Q And they sorted this out?</p> <p>21 A Yes.</p> <p>22 Q And you got the inspection approved?</p>

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<p>54</p> <p>1 A Yes. Mr. Marks himself gave me the 2 inspection stickers. 3 Q And how many times have you met with 4 Mr. Marks in your life? 5 A Probably three. 6 Q Has he sent anybody to your school? 7 A No, not that I know of. 8 Q Did you personally take any measurements in 9 this case of the accident scene? 10 A I helped take some of them. 11 Q With who? 12 A Mr. Marsh, Mr. Legge. With Mr. Marsh. 13 Mr. Legge wasn't there. 14 MR. STIVERS: Scott Marsh. Marsh & Legge 15 Land Surveyors. 16 BY MR. BLEVINS: 17 Q So somebody else that the Plaintiff's 18 attorney hired, you went out to the site with these 19 surveyors and helped them take measurements? 20 A I didn't help them take measurements at the 21 site. I helped them take measurements of the truck at 22 Sunbelt's yard.</p>	<p>56</p> <p>1 THE WITNESS: I don't either. 2 BY MR. BLEVINS: 3 Q Sure. What information did you gather? 4 What did you learn from this site inspection that 5 affects your opinion in any way in this case? 6 A I just learned that there was -- well, I 7 didn't learn it. I knew that there was no excuse for 8 the turn that Mr. Church made because of the size of 9 the site. 10 Q Have you been to this site before you were 11 hired in this case? 12 A Many times. 13 Q How far is it from your house or your 14 business, approximately? 15 A Approximately 7 miles. 16 Q And you've taken Class A trucks into there? 17 A Yes, sir. 18 Q Have you done deliveries there, or you just 19 there for fuel? 20 A There for fuel. 21 Q What is it that's there at that site? 22 A Cheap fuel.</p>
<p>55</p> <p>1 Q At the site did you go and take any 2 measurements, or that was all the surveyors that were 3 measured by Plaintiff's attorneys? 4 A That was all the surveyors. 5 Q Did you go to that site for this specific 6 opinion you are giving today? 7 A Yes. 8 Q And when was that? 9 A November. I'm not sure when. 10 Q And why did you go to the site? 11 A Because Mr. Stivers said that Mr. Marsh, 12 Mr. Turner, and him were going to be at the site. 13 Q Okay. 14 A And asked me to come over. 15 Q And how long were you at that site, for this 16 particular case, approximately? 17 A Approximately an hour. 18 Q And what information did you gather that 19 affects your opinion in this case from that 20 inspection, if any? 21 MR. STIVERS: I'm sorry. I don't understand 22 your question.</p>	<p>57</p> <p>1 Q Is it a gas station? 2 A It's a Sunoco station. 3 Q Is it a Sunoco station with like a 7-Eleven 4 type store in it, or is it a Sunoco station that just 5 has -- 6 A There's a convenience store also. 7 Q Does it also have anything else other than 8 the convenience store and the gas pumps? 9 A Not to my knowledge. 10 Q And would you say that's a busy Sunoco? 11 A Not really. 12 Q And why would you say that? 13 A Because of it's location. It's not in a 14 main part of town. 15 Q You were telling me earlier that you went to 16 these industrial parks to do the training with your 17 students at RoadPro; right? 18 A Yes. 19 Q And I think you said the reason you went to 20 the industrial sites was because they were controlled 21 environments? Is that fair to say? 22 A Basically, yes.</p>

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<p>58</p> <p>1 Q And the controlled environment means what?</p> <p>2 A Means that my instructors or myself can</p> <p>3 basically control the environment.</p> <p>4 Q One of the ways that roadways are</p> <p>5 controlled, you would agree with me, is by signage and</p> <p>6 by signals; right?</p> <p>7 A Signage, signals, and general knowledge.</p> <p>8 Q When you're driving your truck, going</p> <p>9 through an intersection -- and at anytime you're</p> <p>10 driving a truck and you're going through an</p> <p>11 intersection with a green light, do you have an</p> <p>12 expectation, as a truck driver with 50 years of</p> <p>13 experience, that the cars in the crossroad that have</p> <p>14 the red light are going to obey the red light?</p> <p>15 A You have two expectations. You expect that</p> <p>16 they're going to obey it, and you expect that there's</p> <p>17 going to be somebody else that's not.</p> <p>18 Q But generally speaking, you don't stop at</p> <p>19 intersections with a green light because you think</p> <p>20 somebody might disobey the cross street red light, do</p> <p>21 you?</p> <p>22 A If I have a green light?</p>	<p>60</p> <p>1 your vehicle, the way you operate your vehicle?</p> <p>2 A Yes.</p> <p>3 Q Because if you were going to be someone who</p> <p>4 expected everyone to break the law, violate the</p> <p>5 traffic signals such as a red light, you would drive</p> <p>6 your vehicle completely different?</p> <p>7 A I always slow down, even if I have a green</p> <p>8 light. I always slow down expecting something to</p> <p>9 happen.</p> <p>10 Q Understood, but you if you thought that</p> <p>11 drivers could just disobey the lights, you'd come to a</p> <p>12 full stop at every intersection; right?</p> <p>13 A No.</p> <p>14 Q Wouldn't that be the safest way to do it?</p> <p>15 A No.</p> <p>16 Q Why?</p> <p>17 A Because you would be causing a hazard behind</p> <p>18 you. People see the green lights -- people behind you</p> <p>19 would see the green light and run into you because you</p> <p>20 stopped.</p> <p>21 Q Do you agree that Mr. Church, on the day of</p> <p>22 this incident, had a reasonable expectation that other</p>
<p>59</p> <p>1 Q Yeah.</p> <p>2 A No.</p> <p>3 Q Isn't that because you have the expectation</p> <p>4 that the drivers on the crossroad with the red light</p> <p>5 are going to obey that light?</p> <p>6 A Basically, yes.</p> <p>7 Q And that factors into your driving, wouldn't</p> <p>8 you agree? That you have an expectation that other</p> <p>9 drivers are going to obey the signals?</p> <p>10 A Yes, sir.</p> <p>11 Q Because otherwise, you really couldn't drive</p> <p>12 if your expectation was everybody was going to break</p> <p>13 the law; right? You'd be stopping at every full</p> <p>14 intersection. You wouldn't be driving as you do now.</p> <p>15 Fair to say?</p> <p>16 A I don't really understand what you're</p> <p>17 asking.</p> <p>18 Q Sure. Your expectation -- I think you've</p> <p>19 just told me -- is that you expect other drivers to</p> <p>20 obey the traffic signals; right?</p> <p>21 A Yes.</p> <p>22 Q And you factor that in, when you're driving</p>	<p>61</p> <p>1 drivers would obey the traffic signals, including red</p> <p>2 lights on the crossroad?</p> <p>3 A Yeah.</p> <p>4 Q Do you agree that Mr. Galloway ran the red</p> <p>5 light at the intersection?</p> <p>6 A He admitted it.</p> <p>7 Q Were you asked by your attorneys to</p> <p>8 determine what percentage of fault Mr. Galloway had in</p> <p>9 this case?</p> <p>10 A No, sir.</p> <p>11 Q Do you agree that Mr. Galloway is at fault</p> <p>12 for running the red light?</p> <p>13 A He admitted he ran the red light.</p> <p>14 Q I'm asking your opinion. You're here as an</p> <p>15 expert.</p> <p>16 A I have no opinion. He admitted it. I have</p> <p>17 no reason to form an opinion.</p> <p>18 Q Right. I'm just asking do you agree that</p> <p>19 Mr. Galloway is at fault, to some extent, for causing</p> <p>20 this accident by running the red light?</p> <p>21 A Again, I agree that Mr. Galloway has</p> <p>22 admitted that he ran the red light. As far as fault,</p>

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<p style="text-align: right;">62</p> <p>1 I have no opinion.</p> <p>2 Q So do you have an opinion that Mr. Church,</p> <p>3 the Sunbelt driver, is at fault?</p> <p>4 A Yes.</p> <p>5 Q But knowing that Mr. Galloway ran the red</p> <p>6 light, you have no opinion whether he's at fault or</p> <p>7 not?</p> <p>8 A No. If Mr. Church proceeded as the rules of</p> <p>9 the road in the Virginia regulations state, the</p> <p>10 accident wouldn't have happened. Mr. Galloway would</p> <p>11 have been behind him.</p> <p>12 MR. BLEVINS: Can you repeat my question?</p> <p>13 (Whereupon, the reporter read the record as</p> <p>14 requested.)</p> <p>15 MR. SETHI: And can you read back his answer</p> <p>16 also?</p> <p>17 (Whereupon, the reporter read the record as</p> <p>18 requested.)</p> <p>19 BY MR. BLEVINS:</p> <p>20 Q So I'm unclear, I guess, from that answer.</p> <p>21 Is Mr. Galloway at fault at all in causing this</p> <p>22 accident because he ran the red light?</p>	<p style="text-align: right;">64</p> <p>1 Q You know approximately how long it would</p> <p>2 have taken that truck to swing into the lot there;</p> <p>3 right?</p> <p>4 A Yes, sir.</p> <p>5 Q Do you agree with me that if Mr. Galloway</p> <p>6 had waited the appropriate time at that red light that</p> <p>7 the accident wouldn't have ever happened because</p> <p>8 Mr. Church's truck would have been all the way into</p> <p>9 that lot? Fair to say?</p> <p>10 A If Mr. Church would have followed the rules</p> <p>11 of the road, the turn would have been made before</p> <p>12 Mr. Galloway even got there. So it's a moot point.</p> <p>13 Q Well, I understand you believe it's a moot</p> <p>14 point, but I'm trying to find out your opinion when --</p> <p>15 MR. STIVERS: He's been asked and answered.</p> <p>16 You've asked him, and he answered his opinion.</p> <p>17 MR. BLEVINS: If you want to make an</p> <p>18 objection, that's fine.</p> <p>19 Q What I'm trying to find out, Mr. Eggleston,</p> <p>20 is you would agree, with 50 years of experience of</p> <p>21 driving, watching the video, right, that Mr. Church's</p> <p>22 truck would have been all the way into the lot before</p>
<p style="text-align: right;">63</p> <p>1 A No.</p> <p>2 Q Okay. That's what I was trying to find out.</p> <p>3 Do you agree that if Mr. Galloway would not</p> <p>4 have run the red light that this accident wouldn't</p> <p>5 have happened?</p> <p>6 A No.</p> <p>7 Q Why?</p> <p>8 A Again, Mr. Church made an illegal move. Did</p> <p>9 not follow the rules of the road, safety code of</p> <p>10 standards, by making an illegal jug handle three lanes</p> <p>11 out before coming back.</p> <p>12 Q If Mr. Galloway had waited the appropriate</p> <p>13 time he's supposed to wait, the truck wouldn't have</p> <p>14 even been on the road. Fair to say?</p> <p>15 MR. STIVERS: Objection. That assumes facts</p> <p>16 that aren't yet established.</p> <p>17 BY MR. BLEVINS:</p> <p>18 Q You can answer. You've been driving a truck</p> <p>19 50 years; right?</p> <p>20 A Yes, sir.</p> <p>21 Q You watched the video; correct?</p> <p>22 A Yes, sir.</p>	<p style="text-align: right;">65</p> <p>1 Mr. Galloway ever left the stop bar at his red light</p> <p>2 had he waited the appropriate amount of time? Isn't</p> <p>3 that fair to say?</p> <p>4 A I can't agree to that because I don't know</p> <p>5 how much time was left on the stoplight. I don't know</p> <p>6 how much time it would have taken him to make the</p> <p>7 turn. If the stoplight -- I just don't know how much</p> <p>8 time was left on the stoplight.</p> <p>9 Q So if someone --</p> <p>10 Do you have an objection?</p> <p>11 MR. SETHI: No, I don't have an objection.</p> <p>12 I was just going to talk to him for a minute outside.</p> <p>13 Since there's no question pending, let's just go</p> <p>14 outside for just one minute.</p> <p>15 MR. BLEVINS: Is that allowed in Virginia?</p> <p>16 MR. SETHI: As long as there's not a</p> <p>17 question pending.</p> <p>18 MR. CAFRITZ: If there's a line of</p> <p>19 questioning, I mean --</p> <p>20 MR. SETHI: I've never been told by</p> <p>21 anybody --</p> <p>22 MR. BLEVINS: You guys do whatever you want</p>

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<p>66</p> <p>1 to do. Some states you can't do that. 2 MR. SETHI: Yeah, I've never been told. 3 MR. BLEVINS: That's fine. 4 MR. CAFRITZ: I've had before when people 5 say I just need to finish this line of questioning. 6 MR. BLEVINS: I'm fine. Go ahead. Talk. 7 MR. SETHI: This will help move... 8 MR. BLEVINS: No, that's fine. 9 (Whereupon, a brief recess was taken.) 10 BY MR. BLEVINS: 11 Q Mr. Eggleston, I was asking you about 12 Mr. Galloway's actions. 13 A Yes, sir. 14 Q You would agree that he violated the rules 15 of the road by running the red light at his 16 intersection; correct? 17 A Yes, he admitted he ran a red light. 18 Q And you would agree that that's a violation 19 of the rules of the road; right? 20 A Yes. 21 Q And as I understand it, you haven't done any 22 calculation to determine if he had followed the law,</p>	<p>68</p> <p>1 he wouldn't have been involved in the accident, yeah. 2 Q Well, if nobody had gotten out of bed that 3 morning, there wouldn't be an accident, but that's not 4 what I'm asking. You're here as a trucking expert? 5 A Yes, sir. 6 Q 50 years of experience; right? 7 A Yes, sir. 8 Q You would agree if Mr. Galloway had not run 9 the red light, then the accident most likely would not 10 have happened? 11 A Yes, sir. 12 Q Reaching that opinion, as you just did, what 13 percentage of fault do you place on Mr. Galloway for 14 running the red light? 15 A Small -- 16 MR. STIVERS: Objection. 17 MR. SETHI: Objection. 18 MR. STIVERS: And also to percentages. We 19 are not a comparative negligent state. So I don't 20 understand your question. 21 BY MR. BLEVINS: 22 Q Do you understand my question?</p>
<p>67</p> <p>1 stayed at the red light as long as he was supposed to, 2 whether or not Mr. Church's truck would have been all 3 the way into the Sunoco parking lot with none of it in 4 the road? 5 A I'm not an expert on that part. I couldn't 6 give you those calculations. 7 Q If the calculations show that had 8 Mr. Galloway waited the appropriate time at the red 9 light, and only moved forward when he was allowed to 10 by the law, that the truck Mr. Church was driving 11 would have been completely into the parking lot, then 12 would you agree that along your line of opinions the 13 first violation of the roadway, chronologically in 14 time, was Mr. Galloway running the red light? 15 A The first -- okay. Mr. Galloway ran a red 16 light, and if he hadn't of run a red light, he 17 probably wouldn't have been where he was at when the 18 accident happened. 19 Q And would you agree that if he hadn't have 20 run the red light, he probably wouldn't have been 21 involved in an accident? 22 A If he hadn't gotten out of bed that morning,</p>	<p>69</p> <p>1 A No, sir. 2 MR. BLEVINS: Can you repeat my question? 3 Are you allowed to have any objection other 4 than to form? 5 MR. STIVERS: No. 6 MR. BLEVINS: Okay. 7 MR. SETHI: Well, you can object to anything 8 if you want, but you can't tell a witness not to 9 answer, but you can say speculation. You can say -- 10 MR. BLEVINS: Right. 11 MR. SETHI: Right, right. 12 MR. BLEVINS: I mean, form without telling 13 him anything, yeah, right. 14 MR. SETHI: Brian knows very well that. 15 (Whereupon, the reporter read the record as 16 requested.) 17 MR. STIVERS: Renew the objection. 18 MR. BLEVINS: And the answer was? 19 (Whereupon, the reporter read the record as 20 requested.) 21 BY MR. BLEVINS: 22 Q When you say a small percentage of fault,</p>

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<p style="text-align: right;">70</p> <p>1 what percentage are we talking about, approximately?</p> <p>2 A I have no idea what the percentage is.</p> <p>3 Q Pardon me?</p> <p>4 A I have no idea of the percentage. It would</p> <p>5 be a small percentage.</p> <p>6 Q Okay. At any rate you would, based on your</p> <p>7 experience and the expertise you're telling me about,</p> <p>8 place some percentage of fault on Mr. Galloway for</p> <p>9 running the red light and having some fault in causing</p> <p>10 this accident? Fair to say?</p> <p>11 A Some, yes.</p> <p>12 Q You just don't know what that would be?</p> <p>13 A No, sir.</p> <p>14 Q But we can agree that the accident would</p> <p>15 have never happened had he not ran the red light?</p> <p>16 Fair to say?</p> <p>17 A Possibly, yes, sir.</p> <p>18 Q Do you agree?</p> <p>19 A Yeah.</p> <p>20 Q Okay. When you did the inspection of the</p> <p>21 Sunbelt truck that was involved, were you able to</p> <p>22 determine the turning radius of that truck?</p>	<p style="text-align: right;">72</p> <p>1 Q So with a Class A you can also drive a</p> <p>2 Class B vehicle?</p> <p>3 A Yes, sir.</p> <p>4 Q Have you done any training on a Class B</p> <p>5 vehicle such as the one that was involved in this</p> <p>6 accident?</p> <p>7 A Not recently, no.</p> <p>8 Q When is the last time you drove something</p> <p>9 similar to the one that --</p> <p>10 A That I drove or that I trained?</p> <p>11 Q Well, let's go with drove. If ever. I</p> <p>12 don't know if you have.</p> <p>13 A Early part of 2014.</p> <p>14 Q And what was that for?</p> <p>15 A I helped one of my friends move his business</p> <p>16 and used his truck. He had a 25-foot straight truck.</p> <p>17 Q Have you ever trained anybody on how to</p> <p>18 drive a similar truck as was involved in this</p> <p>19 accident?</p> <p>20 A Yes, sir.</p> <p>21 Q When was that?</p> <p>22 A 2004, 2005. I had a Class B truck in my</p>
<p style="text-align: right;">71</p> <p>1 A Not determine the turning radius, no.</p> <p>2 Q You have a Class A license that you've told</p> <p>3 us about. That's for what we commonly think of, lay</p> <p>4 people and myself included, as a semi truck that has a</p> <p>5 trailer; right?</p> <p>6 A Yes, sir.</p> <p>7 Q The truck involved in this accident was not</p> <p>8 a semi with a trailer. Fair to say?</p> <p>9 A Yes, sir.</p> <p>10 Q What kind of truck was involved in this</p> <p>11 accident?</p> <p>12 A Straight truck.</p> <p>13 Q That's what the term is? Straight truck?</p> <p>14 A Yes.</p> <p>15 Q And that's because it's not pulling a</p> <p>16 trailer?</p> <p>17 A Because it's a single unit.</p> <p>18 Q What type of driver's license do you have to</p> <p>19 have for that?</p> <p>20 A Class B.</p> <p>21 Q Do you have a Class B license?</p> <p>22 A No, Class A covers everything.</p>	<p style="text-align: right;">73</p> <p>1 school.</p> <p>2 Q And were you giving the Class B</p> <p>3 certifications, or that was just part of the Class A</p> <p>4 training?</p> <p>5 A Same training for Class A, Class B. They</p> <p>6 all have to play the say rules, same inspection, take</p> <p>7 the same road test. So they train for Class A and go</p> <p>8 for a Class B license.</p> <p>9 Q But you can't train for a Class B and go for</p> <p>10 a Class A license, can you?</p> <p>11 A No. And you can't train for a Class B</p> <p>12 license with a tractor trailer.</p> <p>13 Q Other than your CDL license, do you have any</p> <p>14 other certifications, licensing -- well, let's just go</p> <p>15 with licensing. Do you have to be a licensed CDL in</p> <p>16 every state, or you just get this federal?</p> <p>17 A No, one license covers every state.</p> <p>18 Q What about certifications? Have you ever</p> <p>19 had any certifications for driving?</p> <p>20 A Such as?</p> <p>21 Q Do you --</p> <p>22 A I have a CDL. That's all the certification</p>

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<p style="text-align: right;">74</p> <p>1 you need to drive a truck.</p> <p>2 Q Do you know that there are certifications</p> <p>3 you can get to drive a Class A truck?</p> <p>4 A Other than a CDL, no. There's other -- may</p> <p>5 I clarify that?</p> <p>6 Q Yeah.</p> <p>7 A There's other endorsements that you can get</p> <p>8 on your CDL.</p> <p>9 Q Okay. Have you gotten any other</p> <p>10 endorsements on your CDL?</p> <p>11 A At the time I had my CDL I had all the</p> <p>12 endorsements.</p> <p>13 Q When did you first get your CDL? Was it 50</p> <p>14 years ago?</p> <p>15 A CDL didn't come into existence until the</p> <p>16 80's.</p> <p>17 Q So in the 80's you got your first CDL;</p> <p>18 correct?</p> <p>19 A Yes, up until that time you had just your</p> <p>20 chauffeur's license.</p> <p>21 Q And the CDL license that you took in the</p> <p>22 80's, the first one you took, do you remember how many</p>	<p style="text-align: right;">76</p> <p>1 Q And do you take it with somebody else, or</p> <p>2 you just take it yourself and grade yourself?</p> <p>3 A I take it at the DMV.</p> <p>4 Q When is the last time you did that?</p> <p>5 A Probably 2010.</p> <p>6 Q And how long is the test at the DMV?</p> <p>7 A It's a 50 question test, and again,</p> <p>8 depending on the person. It generally takes me</p> <p>9 between 20 and 30 minutes.</p> <p>10 Q Any other part of the test for the DMV?</p> <p>11 A No.</p> <p>12 Q Other than the 50 questions?</p> <p>13 A Not just for the general knowledge.</p> <p>14 Q So if I understand you correctly, in 1980,</p> <p>15 whenever that was, they started demanding, requiring</p> <p>16 you have a CDL license. You told us that you got</p> <p>17 grandfathered in. You did the test in Wyoming, 80</p> <p>18 questions, drove the 15 miles, and then occasionally</p> <p>19 you've gone back to the DMV to take --</p> <p>20 A The general knowledge.</p> <p>21 Q The general knowledge test. Are you</p> <p>22 required to do, or you just doing that?</p>
<p style="text-align: right;">75</p> <p>1 hours that was?</p> <p>2 A I was grandfathered in. I had to take the</p> <p>3 general knowledge test, and I had to take the driving</p> <p>4 test, but other than that I was grandfathered in.</p> <p>5 Q And how long is the general knowledge test?</p> <p>6 A At that time it varied from state to state.</p> <p>7 The one I took was in Wyoming. I think it was 80</p> <p>8 questions.</p> <p>9 Q And how long was the driving test?</p> <p>10 A It covered approximately 15 miles.</p> <p>11 Q And how long did that take you to do?</p> <p>12 A 30 minutes.</p> <p>13 Q And the 80 questions, how long did that take</p> <p>14 you to do, approximately?</p> <p>15 A It varies to the person.</p> <p>16 Q For you?</p> <p>17 A For me it generally takes me a half an hour.</p> <p>18 Q And have you taken those tests again since</p> <p>19 that first one, or have you had to? I don't know.</p> <p>20 A I haven't had to, but I go back every couple</p> <p>21 years and take it just to make sure I know what I'm</p> <p>22 talking about to my students.</p>	<p style="text-align: right;">77</p> <p>1 A No, I do it on my own.</p> <p>2 Q And how often, from the first time in the</p> <p>3 80's to the time you mentioned the last time in 2010,</p> <p>4 did you do it?</p> <p>5 A I didn't do it anymore until I started the</p> <p>6 school. I done it in 2000 when I started the school</p> <p>7 and possibly every two years after that.</p> <p>8 Q And once your students passed your course at</p> <p>9 RoadPro, do they then have to go to the DMV and take</p> <p>10 this 50 questions test?</p> <p>11 A They have to take the 50 question test to</p> <p>12 get their permit before they can even come to my</p> <p>13 school.</p> <p>14 Q Okay. And then when they come to your</p> <p>15 school and they complete the course, you issue a CDL</p> <p>16 license?</p> <p>17 A No, sir.</p> <p>18 Q What happens?</p> <p>19 A Take them to the DMV test site. The DMV</p> <p>20 tests them, and they issue the license.</p> <p>21 Q And when that happens, after they finish</p> <p>22 your course, they go to the DMV, take the test. Is</p>

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<p style="text-align: right;">78</p> <p>1 that driving and test, or is it --</p> <p>2 A It's just driving.</p> <p>3 Q Just driving?</p> <p>4 A Well, it's the inspection, backing and</p> <p>5 driving. It's the road test.</p> <p>6 Q Is that in a controlled environment?</p> <p>7 A No.</p> <p>8 Q It's on the road?</p> <p>9 A Yes.</p> <p>10 Q Any of your students fail that test?</p> <p>11 A Every once in a while.</p> <p>12 Q What percentage? I'm guessing you kept</p> <p>13 track, but tell me if you didn't.</p> <p>14 A You asking how many failed the course</p> <p>15 completely, or how many just failed that test?</p> <p>16 Q We can go to both. First I was asking how</p> <p>17 many fail the test, when they go to the DMV, after</p> <p>18 your course? Approximately. Percentage-wise.</p> <p>19 A First time approximately 10. 10 percent.</p> <p>20 Q And then what were you saying about the</p> <p>21 other portion of the course? How many fail it?</p> <p>22 A If they fail three times, then they have to</p>	<p style="text-align: right;">80</p> <p>1 Q All right. So it's in the manual? You just</p> <p>2 haven't memorized it?</p> <p>3 A Yes, sir.</p> <p>4 Q I'm correct?</p> <p>5 A Yes, sir.</p> <p>6 Q Would you agree that commercial drivers</p> <p>7 sometimes make the jug handle turn in to a confined</p> <p>8 space so that they don't have to back up into the</p> <p>9 road? Is that one of the reasons they might do that?</p> <p>10 A I agree that some of them may do it, but</p> <p>11 it's illegal no matter who does it or when it's done.</p> <p>12 Q And you keep saying illegal. Is there</p> <p>13 anywhere that any statute talks about pulling into</p> <p>14 from a public road to a private property, such as the</p> <p>15 Sunoco in this case, that says you cannot make a jug</p> <p>16 handle turn in to a private property?</p> <p>17 A Virginia Motor Code.</p> <p>18 Q Where is that?</p> <p>19 A It's in -- would you like me to read it to</p> <p>20 you, or hand it to you?</p> <p>21 Q Well, yeah, hand it to me, and then you can</p> <p>22 refer to it. I just want to take a look at it.</p>
<p style="text-align: right;">79</p> <p>1 come back to school for 80 hours. So like I say, I've</p> <p>2 had approximately five of those.</p> <p>3 MR. STIVERS: May we have a recess, please?</p> <p>4 MR. BLEVINS: Sure.</p> <p>5 (Whereupon, a brief recess was taken.)</p> <p>6 BY MR. BLEVINS:</p> <p>7 Q Mr. Eggleston, do you know what the CFR is?</p> <p>8 A CFR? Not by the letters, no.</p> <p>9 Q Do you know something called the 20 points</p> <p>10 of knowledge?</p> <p>11 A I know of them, yes, sir.</p> <p>12 Q Could you recite them to me, or you just</p> <p>13 know that they exist?</p> <p>14 A I can recite some of them. I know that they</p> <p>15 exist.</p> <p>16 Q You just don't have them memorized?</p> <p>17 A No.</p> <p>18 Q Okay. Do any of the 20 points of knowledge</p> <p>19 have to do with right-hand turns?</p> <p>20 A Yes, sir.</p> <p>21 Q And what does that one say, if you know?</p> <p>22 A I would have to look it up in the manual.</p>	<p style="text-align: right;">81</p> <p>1 MR. CAFRITZ: Sir, can you give the code</p> <p>2 section?</p> <p>3 MR. BLEVINS: Yeah, I can read it.</p> <p>4 Q So is this what you've given me is that in</p> <p>5 this book?</p> <p>6 A No, that's in the Virginia Code of Motor</p> <p>7 Vehicles.</p> <p>8 Q Okay.</p> <p>9 A It is more stringent than the codes that are</p> <p>10 in these books.</p> <p>11 Q Is it simply the highlighted portion of</p> <p>12 46.2-846 that you're talking to, or is it something</p> <p>13 else?</p> <p>14 A I believe so, but I'll have to look at it.</p> <p>15 Q Okay. Go ahead.</p> <p>16 A Yes, the rest of it goes on to cover left</p> <p>17 turns.</p> <p>18 Q Okay. So this basically says -- I'm just</p> <p>19 going to skip down to 1. Right turns, and then it has</p> <p>20 a colon. "Both the approach for a right turn and a</p> <p>21 right turn shall be made as close as practicable to</p> <p>22 the right curb or edge of the roadway."</p>

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<p style="text-align: right;">82</p> <p>1 Did I read that correctly?</p> <p>2 A Yes, sir.</p> <p>3 Q Nowhere --</p> <p>4 A I can't see it from here, but I'm assuming</p> <p>5 you did.</p> <p>6 Q Okay. And this is going to be attached in</p> <p>7 the composite. So we'll know that I've read it</p> <p>8 correctly, or you can correct me later.</p> <p>9 A Okay.</p> <p>10 Q Nowhere in this 46.2-846 does it prohibit</p> <p>11 jug handle turns specifically with the turn jug</p> <p>12 handle. Is that fair to say?</p> <p>13 A Yes, sir.</p> <p>14 Q And it basically says you stay to the right</p> <p>15 curb or edge of the roadway as close as practicable.</p> <p>16 Fair to say?</p> <p>17 A Yes.</p> <p>18 Q So there's some leeway there; right?</p> <p>19 A As long as you stay in your lane, yes.</p> <p>20 Q Well, let's be clear. It doesn't say</p> <p>21 anything about staying in your lane in 46.2-846, does</p> <p>22 it?</p>	<p style="text-align: right;">84</p> <p>1 A It doesn't mention jug handle, yes, sir.</p> <p>2 Q And it doesn't even say you have to stay in</p> <p>3 your same lane; correct?</p> <p>4 A Yes.</p> <p>5 Q Sometimes you would agree there are</p> <p>6 situations, in your 50 years of driving, where you do</p> <p>7 have to do some level of a jug handle turn to make it</p> <p>8 into the area you're trying to go to? Is that fair to</p> <p>9 say?</p> <p>10 A There's always another entrance. So it's</p> <p>11 you pick the safest entrance.</p> <p>12 Q Understood. My question is simply you've</p> <p>13 been driving for 50 years. You have how many miles,</p> <p>14 approximately?</p> <p>15 A Over 5 million.</p> <p>16 Q Over 5 million in driving. You're not going</p> <p>17 to sit on the stand and tell the jury you've never</p> <p>18 made a jug handle right-hand turn, are you?</p> <p>19 A A jug handle right-hand turn is admissible</p> <p>20 with the semi trailer as long as you keep the right</p> <p>21 lane blocked.</p> <p>22 Q Have you made a jug handle right-hand turn,</p>
<p style="text-align: right;">83</p> <p>1 A No, but we're splitting hairs here. You</p> <p>2 have to stay as close to the curb as practicable,</p> <p>3 which means you need to stay close to curb so nobody</p> <p>4 can get beside you.</p> <p>5 Q 46.2-846 doesn't say anything about --</p> <p>6 A It doesn't say it's against the law to make</p> <p>7 a --</p> <p>8 Q You have to wait until I ask the question</p> <p>9 because this young lady is going to go crazy trying to</p> <p>10 get both of us. Okay?</p> <p>11 A Okay.</p> <p>12 Q 46.2-846 doesn't say anything about you have</p> <p>13 to stay in your right-hand lane to make a right-hand</p> <p>14 turn. Is that fair to say?</p> <p>15 A Yes.</p> <p>16 Q What it says is you should stay as close as</p> <p>17 practicable to the right curb or the edge of the</p> <p>18 roadway; right?</p> <p>19 A Yes, sir.</p> <p>20 Q So this statute that was cited, 46.2-846,</p> <p>21 does not specifically say that a jug handle right-hand</p> <p>22 turn is illegal, does it?</p>	<p style="text-align: right;">85</p> <p>1 in your 50 years, 5 million miles of driving?</p> <p>2 A Yes, sir.</p> <p>3 Q Okay. And making that jug handle turn means</p> <p>4 that you're necessarily going to take the front of</p> <p>5 your truck into the next lane over. That's why it's</p> <p>6 called a jug handle; correct?</p> <p>7 A Yes, sir.</p> <p>8 Q And what you try to do is keep the back of</p> <p>9 your truck close, but you've still done that in</p> <p>10 certain situations, a jug handle right-hand turn?</p> <p>11 A I use my trailer to block the right lane</p> <p>12 when I do it, yes, sir.</p> <p>13 Q Do you have an opinion on whether or not</p> <p>14 Mr. Church had his right-turn signal on?</p> <p>15 A Not definitive, no.</p> <p>16 Q He says he had it on; right?</p> <p>17 A He says he did.</p> <p>18 Q Did you see the video?</p> <p>19 A Yes.</p> <p>20 Q Did you see when he got out of the truck and</p> <p>21 checked on Mr. Galloway and then went over to look at</p> <p>22 the front of his truck?</p>

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<p style="text-align: right;">86</p> <p>1 A Yes.</p> <p>2 Q Do you have an understanding that he was</p> <p>3 making sure that his blinker was on?</p> <p>4 A No, I understand that he was making sure</p> <p>5 that he hadn't run completely over Mr. Galloway.</p> <p>6 Q If he testifies that when he checked his</p> <p>7 truck the blinker was still on, do you have any reason</p> <p>8 to think that he's lying?</p> <p>9 A No.</p> <p>10 Q Do you have any criticism of Mr. Church</p> <p>11 making sure his right-turn blinker was on?</p> <p>12 MR. STIVERS: Objection. That assumes</p> <p>13 evidence that's not in the record.</p> <p>14 BY MR. BLEVINS:</p> <p>15 Q I'm asking do you have any criticism of</p> <p>16 Mr. Church making sure his right-hand turn signal was</p> <p>17 on? Just that part of his driving. You can answer.</p> <p>18 MR. STIVERS: I don't understand your</p> <p>19 question. I'm sorry.</p> <p>20 MR. BLEVINS: Sure.</p> <p>21 Q Do you have any criticism of Mr. Church</p> <p>22 turning on his right-hand signal before he made the</p>	<p style="text-align: right;">88</p> <p>1 A Yes, sir.</p> <p>2 Q And are you telling me that when you've made</p> <p>3 those jug handle turns in to confined spaces such as</p> <p>4 at Sunoco, you first put on your left turn signal and</p> <p>5 then you put on your; right?</p> <p>6 A Generally when I have to make a turn like</p> <p>7 that I put it on all four ways.</p> <p>8 Q But didn't you just say that you should put</p> <p>9 your left-turn signal on when you first start making</p> <p>10 the jug handle turn and then put your right, or did I</p> <p>11 misunderstand you?</p> <p>12 A If you're going to completely change the</p> <p>13 lane with your complete vehicle, you should have your</p> <p>14 left-turn signal on.</p> <p>15 Q Okay. So when you have made that type of</p> <p>16 turn, jug handle turn, where you take the front of</p> <p>17 your truck into the next lane to the left, before you</p> <p>18 turn to the right, are you telling me you put the</p> <p>19 left-hand turn signal on first, and then you put the</p> <p>20 right-hand turn signal on?</p> <p>21 A I generally signal that I'm going to turn</p> <p>22 left, and then as I start, I turn on my four ways to</p>
<p style="text-align: right;">87</p> <p>1 jug handle turn? Just of turning on the signal? Or</p> <p>2 is that what he's supposed to do with regard to</p> <p>3 signaling?</p> <p>4 A If he had his right-turn signal on, he broke</p> <p>5 the law by moving over into the left lane without</p> <p>6 signaling to the left. Whether he had his right-turn</p> <p>7 signal on or not, I can't say, but he should have</p> <p>8 had -- it should have been on when he completed his</p> <p>9 turn, but it should have been on also before --</p> <p>10 Q On the left.</p> <p>11 A On the left before he made his turn.</p> <p>12 Q Okay.</p> <p>13 A So he never stated one way or the other on</p> <p>14 that.</p> <p>15 (Mr. Sethi enters deposition room.)</p> <p>16 BY MR. BLEVINS:</p> <p>17 Q So you've already testified that you have</p> <p>18 made jug handle right-hand turns before; correct?</p> <p>19 A Yes, sir.</p> <p>20 Q And some of those turns required the front</p> <p>21 of your truck to go into the next lane to the left;</p> <p>22 correct?</p>	<p style="text-align: right;">89</p> <p>1 warn everybody around me.</p> <p>2 Q And then you put on your right?</p> <p>3 A No, I complete the turn with the four ways</p> <p>4 on because I have the lane blocked.</p> <p>5 Q And when you say you have the lane blocked,</p> <p>6 you would agree with me that some of those jug handle</p> <p>7 turns that you've taken to the right, where you go</p> <p>8 into the left lane and then you make a big sweeping</p> <p>9 right-hand turn, even when you were trying to keep the</p> <p>10 back of your truck close to the curb, you would agree</p> <p>11 with me some of those times would have been enough</p> <p>12 space for a Moped to squeeze in there? Fair to say?</p> <p>13 A If you were completely stupid, yes.</p> <p>14 Q And what do you think about the way</p> <p>15 Mr. Galloway drove his Moped after he ran the red</p> <p>16 light?</p> <p>17 A He didn't run -- Mr. Galloway didn't run</p> <p>18 beside the truck. The truck ran into him.</p> <p>19 Mr. Galloway had every right to be where he was at at</p> <p>20 the time of the accident even though he had run the</p> <p>21 red light.</p> <p>22 Q And what do you say to any testimony that it</p>

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<p style="text-align: right;">90</p> <p>1 looked like Mr. Galloway was trying to beat the truck 2 to the turn? 3 A I'd say probably not. 4 Q You weren't there; right? 5 A No, sir. 6 Q If there's eyewitness testimony that's not 7 Mr. Galloway and not Mr. Church that says Mr. Galloway 8 appeared to be trying to beat the truck to the turn, 9 would you say that was a reasonable way for 10 Mr. Galloway to operate the Moped at that time after 11 he ran the red light? 12 A That would be their assumption, not mine. 13 Q Understood. I want you to assume 14 hypothetically. 15 A I don't do hypothetically. 16 Q Well, I want you to assume that there are 17 witnesses who say that it appeared Mr. Galloway, after 18 running the red light, was trying to beat the truck to 19 the turn. If -- you have to wait for me to finish. 20 If the jury believes those witnesses' 21 testimony, would you agree that Mr. Galloway was not 22 operating his Moped in a reasonable manner if they</p>	<p style="text-align: right;">92</p> <p>1 turn? 2 A He didn't know he was going to make a right 3 turn. 4 Q How do you know that? 5 A Because any normal person would assume that 6 once you leave the first left lane and enter the 7 second left lane you're going straight ahead. 8 Q So when you've made a jug handle turn in to 9 a confined space like the Sunoco and you've taken the 10 front of your truck into the next lane to the left, 11 would you assume the people behind you thought you 12 were going left, or they thought you were going right? 13 A They wouldn't have any idea, but my trailer 14 would never leave the right lane. So they would 15 assume I was still going to go right. 16 Q Even though when you make your jug handle 17 turn and you take the front of your truck into the 18 left lane, you use your left turn signal, wouldn't 19 that, the way you're describing what you do, tell the 20 people behind you you were going to go left? 21 A Would tell them I was going to go left, but 22 then when I turn on all fours, they know I'm going to</p>
<p style="text-align: right;">91</p> <p>1 believe what these independent witnesses say? 2 MR. SETHI: Objection to form. Objection. 3 Calls for speculation. 4 BY MR. BLEVINS: 5 Q You can answer. 6 A Again, that's their opinion. It's not mine. 7 I can't assume their opinion. I have no knowledge of 8 what they were thinking. 9 Q What who was thinking? 10 A Whoever says Mr. Galloway was trying to beat 11 Mr. Church. I have no way of knowing that that's what 12 they were thinking. 13 Q What who was thinking? 14 A Whoever the witnesses are that you're 15 talking about. 16 Q Okay. Let's say Mr. Galloway was, after he 17 ran the red light, was trying to beat the truck to the 18 turn. If that's what happened, is that a reasonable 19 way for Mr. Galloway to operate his Moped? 20 A After Mr. Church left the right lane and was 21 two lanes over, yes. 22 Q Even if he knew he was going to make a right</p>	<p style="text-align: right;">93</p> <p>1 go different. 2 Q Okay. 3 A And as long as I've got the lane blocked, 4 they have no right to assume that I'm going to go 5 straight through until my whole vehicle is in the 6 other lane. 7 Q So when you've made the jug handle turn to 8 take a right and taken the front of your truck into 9 the left-hand lane, you don't turn on the right-hand 10 turn signal at all? The last thing you do is turn on 11 all blinkers; right? 12 A Turn on my caution lights, yes. 13 Q So there would be no way to know, from 14 looking at your signal if you were behind you or 15 beside you, that were you were actually going to make 16 a right-hand turn the way that you do the jug handle 17 turns in to confined spaces such as Sunoco. Fair to 18 say? 19 A It would be irrelevant because they cannot 20 get by me because my trailer is in the lane. It's 21 totally irrelevant. 22 Q I was asking about the turning radius of the</p>

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<p style="text-align: right;">94</p> <p>1 Sunbelt truck involved in this. Do you know whether 2 the turning radius differs from the trucks that you 3 drive and you train on, those semis? 4 A The turning radius of the truck itself is 5 basically the same as mine would be without a trailer. 6 Basically the same wheel base. The only difference in 7 mine is the trailer. 8 Q Okay. And the front part of that truck that 9 you're talking about without the trailer is the 10 tractor; right? 11 A Yes. 12 Q How is it that you can say the turning 13 radius of the Sunbelt truck involved in this accident 14 is the same as the tractors you use in your private 15 business and your training school if you haven't 16 driven either one, or are you just estimating? 17 A No, sir. I drive -- sometimes we send our 18 tractor's bobtail up to fuel. Sometimes we run our 19 truck bobtail down the road just do give them a feel 20 of what it feels like without a trailer. 21 Q And so a jury understands, bobtail means 22 without a trailer on it; right?</p>	<p style="text-align: right;">96</p> <p>1 can haul the maximum legal weight on that front axle. 2 Q And is it wide tire, or is it a normal width 3 tire? 4 A It's a wide tire. 5 Q And with the wide tire, such as on the 6 Sunbelt truck, what do they do with the arc stop? 7 A Pardon? 8 Q Well, let me back up. Do you know what an 9 arc stop is? 10 MR. STIVERS: I can't understand what you're 11 saying? Arch? 12 BY MR. BLEVINS: 13 Q Sorry. Axle stop. Do you know what an axle 14 stop is? 15 A Yeah, I know what the axle stop is. 16 Q What is an axle stop? 17 A Axle stop is where you turn your wheel, it 18 comes to a stop at a certain degree. 19 Q Why do they have the axle stop in place? 20 A Keep your wheels from turning too far. 21 Q And going into your gears; right? 22 A Going into your frame, your springs,</p>
<p style="text-align: right;">95</p> <p>1 A Yes. 2 Q Okay. 3 A It's basically a straight truck, but it 4 doesn't have a bed. 5 Q Would you agree with me that the size of the 6 tires and the arc stops on a truck, whether it's a 7 bobtail semi like you're talking about or a straight 8 truck as the Sunbelt truck in this case, that affects 9 the turning radius of either one of those? 10 A Yes. 11 Q And why is that? 12 A The larger the tire increases the radius of 13 turn. The larger the front tire. 14 Q And do you know what kind of tires the 15 Sunbelt truck in this case that you inspected had? 16 A I believe they had 12 or 13-inch wide tires 17 on the front of it. It's in the measurements. I 18 can't recall it off the top of my head. 19 Q And is that what they call a highway tire, 20 or is that what they call a wide tire that you can use 21 off road? 22 A It's a super heavy-duty tire for -- so they</p>	<p style="text-align: right;">97</p> <p>1 whatever. 2 Q And with the wider tires, what do they do 3 with the axle stop? 4 A The wider tires stick out further to the 5 outside than they do on the inside. The axle stop is 6 still the same on the wide tires. The rim is built 7 different. It's an inset rim. 8 Q Okay. So the axle stop doesn't change with 9 the width of tire. Is that fair to say? 10 A Yes. 11 Q That's your understanding? 12 A Yes. 13 Q And what has a smaller turning radius? In 14 other words, what can turn tighter? A truck with wide 15 tires, or a truck with normal tires? 16 A Truck with normal tires can turn a certain 17 degrees tighter. 18 Q And the Sunbelt truck had wide tires; right? 19 A Yes, sir. 20 Q So it could not turn right or left as tight 21 as a regular truck could. Fair to say? 22 A To a certain degree, yes.</p>

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<p style="text-align: right;">98</p> <p>1 Q And did you do any testing to determine what 2 the radius of the turning was on the Sunbelt truck? 3 A I see no reason to do that. 4 Q Is there any priority, in terms of your 5 driving, as to the most dangerous maneuver? In other 6 words, I've seen a lot of writing, but I want to know 7 your opinion. My writing that I've seen says backing 8 up is the most dangerous thing a commercial truck 9 driver can do. Is that your understanding, or do you 10 have a different hierarchy of the most dangerous move? 11 A Backing is to be avoided, if possible, but I 12 wouldn't say it's the most dangerous move, no. 13 Q Because I've seen it, in all of these 14 documents you've just given me, it says backing up is 15 very dangerous, or it has some adjective -- 16 A Backing up is dangerous and should be 17 avoided. That's what it says in all the -- 18 Q Right. 19 A In certain circumstances. It goes on to say 20 in certain circumstances. In all circumstances you 21 can't always avoid it. 22 Q Correct, and you would agree in all</p>	<p style="text-align: right;">100</p> <p>1 A Not necessarily listed as more dangerous. 2 Q Is there anything more dangerous than 3 backing up, in your personal opinion with 50 years and 4 5 million miles of driving? 5 A Plenty of them, yes. 6 Q What's more dangerous? 7 A Speeding, loading your load wrong. Anything 8 that affects the handling of your vehicle is more 9 dangerous than backing. 10 Q Other than what affects the handling of your 11 vehicle like speeding or load or icy roads, something 12 like that, is there anything more dangerous than 13 backing up? 14 A Just the general public. 15 Q You mean other drivers? 16 A Yes. 17 Q Other than other drivers -- 18 A Not that I know of. 19 Q Let me just ask the question. 20 Other than other drivers, speeding, weather 21 conditions, or the way you load the truck is there 22 anything more dangerous than backing up your truck?</p>
<p style="text-align: right;">99</p> <p>1 circumstances you can't always avoid making a jug 2 handle right turn? 3 A No, I won't agree with that. 4 Q Is there anything more dangerous, in your 5 commercial driving, than backing that you're aware of 6 in any of these documents? 7 MR. SETHI: I'm sorry. I just want to 8 understand the question. You mean what's in the 9 documents, or you talking from his experience? I just 10 want to -- 11 MR. BLEVINS: No, no. That fine. That's a 12 good question. 13 MR. STIVERS: And are we talking about the 14 CDL manual, or are we talking about this document? 15 MR. BLEVINS: Well, documents has an S on 16 the end of it. 17 MR. STIVERS: Okay. 18 BY MR. BLEVINS: 19 Q But I'll ask you of all the documents that 20 you brought here today, is there anything listed as 21 more dangerous than backing for a commercial driver? 22 Backing up?</p>	<p style="text-align: right;">101</p> <p>1 A Probably not. 2 Q The trucks that you have, the trailers I 3 should say -- and you may have it on the tractor 4 itself, but the trailers you have, the three 5 Freightliners for -- 6 A Tractors, yes. 7 Q Do they have that warning sign on the back 8 that says caution, truck makes wide right turns? 9 A My trailers do, yes. 10 Q All of your trailers? 11 A No, not all of them. 12 Q Why not all of them? 13 A Not required. 14 Q I'm not asking if it's required. I'm just 15 asking if you have that on your trailers? 16 A No, I don't on all of them, no. 17 Q You've seen it on a lot of trailers; right? 18 A Yes. 19 Q And what does that mean, caution wide right 20 turns? 21 A It means if you see that it looks like he's 22 going to make a wide turn, you got to be careful.</p>

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<p style="text-align: right;">102</p> <p>1 Q And does the DMV, Virginia DMV, suggest that 2 drivers, other drivers, such as the public, avoid 3 something they call a no go zone? 4 A Not the no go. 5 Q It's the no zone? 6 A Yeah, the no zone, yeah. 7 Q What is the no zone? 8 A That's the blind spots on trucks. 9 Q I think I was asking you does the Department 10 of Motor Vehicles for Virginia suggest that the 11 general public stay away from the no zones? 12 A Yes, it's in the manuals. 13 Q And that's the same as what you have on the 14 back of your trailers at RoadPro where it says 15 caution, truck makes wide right turns. Stay out of 16 this area. Fair to say? 17 A Basically, yes. 18 Q And would you agree that the public, the 19 general drivers other than the commercial drivers, 20 have a responsibility to be aware of that, and that's 21 why they're putting up these signs? 22 A Everybody has a responsibility to be aware</p>	<p style="text-align: right;">104</p> <p>1 Q And have you ever been into the entrance 2 Mr. Church went in in a straight truck with wide tires 3 on it such as Mr. Church was driving that day? 4 A No. 5 Q So really you couldn't say what turning 6 radius that particular truck had on the day of this 7 accident. Fair to say? 8 A Yeah, but I can also tell you I've made that 9 same turn with a semi without leaving a lane. 10 Q Okay. And you did that the one time you 11 went through there? 12 A Yes. 13 Q Do you believe you've gone through there 14 more than once or just once? 15 A No, I just went through there one time to 16 show a student that it could be done. 17 Q And you don't know whether the semi you were 18 driving had the same turning radius as the truck that 19 Mr. Church was driving on the date of this accident. 20 Is that fair to say? 21 A Basically the same only it was 60-foot long. 22 Q Okay. Well, my point is you won't know</p>
<p style="text-align: right;">103</p> <p>1 of it. 2 Q To that zone to the right of a truck when a 3 truck is making a right-hand turn. Fair to say? 4 A Either side of the truck. Doesn't make any 5 difference where. 6 Q But the other drivers have that 7 responsibility? 8 A Yes. 9 Q To be aware of it and stay out of that zone? 10 That no go zone? Fair to say? 11 A Yes. 12 MR. BLEVINS: Let me just take a little 13 break here. 14 (Whereupon, a brief recess was taken.) 15 BY MR. BLEVINS: 16 Q You're familiar with that Sunoco where this 17 accident happened; right? 18 A Yes, sir. 19 Q And you've been in, I guess, pretty much 20 every entranceway in that place? 21 A I've only been in the Pactiv Way and one 22 time into the entrance Mr. Church went in.</p>	<p style="text-align: right;">105</p> <p>1 where the actual stops were on Mr. Church's truck; 2 right? 3 A I don't know where they were. They were 4 probably standard. 5 Q I'm just saying you don't know? 6 A No, I don't know where they were. 7 Q It would affect wherever the mechanics put 8 the axle stop related to the width of the wheel as to 9 what the radius of the Sunbelt truck turn would be. 10 Fair? 11 A Yeah. 12 Q And by agreeing to both of those, you just 13 don't know if the Sunbelt had the same turning radius 14 as whatever truck you took in? 15 A No, I can't say they're the exact same 16 turning radius, no. 17 Q Okay. 18 A But again, I would assume it would be close 19 because those tires and wheels were put on when that 20 truck was built, and they would have set the turning 21 radius at that time. Sunbelt's mechanics wouldn't 22 have messed with that.</p>

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<p style="text-align: right;">106</p> <p>1 Q That's your understanding?</p> <p>2 A Yeah, that's my knowledge. I mean, the</p> <p>3 Sunbelt mechanics don't have a machine to set it with.</p> <p>4 Q Okay. Whether it was set by the Sunbelt</p> <p>5 mechanics or the manufacturer of the truck itself, you</p> <p>6 don't know what the turning radius was?</p> <p>7 A No.</p> <p>8 Q And you haven't made that turn in a similar</p> <p>9 truck as the Sunbelt truck. Fair to say? Into that</p> <p>10 entranceway?</p> <p>11 A I've made --</p> <p>12 MR. SETHI: I'm going to object to the word</p> <p>13 similar.</p> <p>14 THE WITNESS: I made it in that same exit</p> <p>15 with a 25-foot box truck.</p> <p>16 BY MR. BLEVINS:</p> <p>17 Q I thought you just told me --</p> <p>18 A When I mentioned before I had driven a box</p> <p>19 truck, I made it in there with that truck.</p> <p>20 Q I thought you just told me you've only been</p> <p>21 there once and that was with a student in a semi with</p> <p>22 a trailer?</p>	<p style="text-align: right;">108</p> <p>1 you turn on all your flashers?</p> <p>2 A No, just the right turn signal if I'm going</p> <p>3 to stay in my right lane.</p> <p>4 Q And is one of the things you're thinking</p> <p>5 about, when you go into any entranceway in a confined</p> <p>6 space like that Sunoco, being aware of where all the</p> <p>7 other cars are, pedestrians, other trucks that are</p> <p>8 parked or moving around, does a driver have to be</p> <p>9 cognizant, aware of all that, when he's make a</p> <p>10 decision of what driveway to use?</p> <p>11 A He should be, yes.</p> <p>12 Q And is that because once you get in a</p> <p>13 confined space, it can be a little trickier if you</p> <p>14 have a bunch of moving parts such as trucks over here,</p> <p>15 cars over here, people walking around? Is that one of</p> <p>16 the reasons?</p> <p>17 A Once you get in there, yes, you may have to</p> <p>18 do extra maneuvers.</p> <p>19 Q Right, and you want to be aware of that</p> <p>20 before you go into that area?</p> <p>21 A Before you try to get into it.</p> <p>22 Q Is that correct?</p>
<p style="text-align: right;">107</p> <p>1 A That's what I said, but then I can clarify</p> <p>2 it.</p> <p>3 Q And now you remember doing it with a box</p> <p>4 truck?</p> <p>5 A Yes.</p> <p>6 Q Okay. And when was that that you did it</p> <p>7 with the box truck?</p> <p>8 A It would have been December of -- would have</p> <p>9 been in December or January of '13.</p> <p>10 Q And as we're sitting here talking about it,</p> <p>11 do you ever remember using that same entrance other</p> <p>12 than the two times we're talking about right now?</p> <p>13 A No.</p> <p>14 Q And are you telling me you may have, and you</p> <p>15 don't remember, or you know you didn't?</p> <p>16 A I may not remember doing it.</p> <p>17 Q And whether it was the box truck or the</p> <p>18 semi, do you use the same turning signal procedure</p> <p>19 that you talked about before? Fair to say?</p> <p>20 A Stayed in the right lane all the way</p> <p>21 through, yes, sir.</p> <p>22 Q Then when you went into that entranceway, do</p>	<p style="text-align: right;">109</p> <p>1 A Yes.</p> <p>2 Q Are you familiar, or maybe you've used this</p> <p>3 in your training, of the difference between a hazard</p> <p>4 and an emergency and how a hazard can become an</p> <p>5 emergency?</p> <p>6 A Yes.</p> <p>7 Q What does that mean?</p> <p>8 A A hazard can be something that is coming up,</p> <p>9 and an emergency is a hazard that's already happened.</p> <p>10 I mean, you -- a hazard is you see flashing lights on</p> <p>11 the side of the road ahead of you. They may be on the</p> <p>12 side of the road, or you may have to stop, and an</p> <p>13 emergency is if you have to stop. If the road is</p> <p>14 blocked, you have to stop.</p> <p>15 Q So if you were pulling in a confined space</p> <p>16 such as the Sunoco, from any entrance, and you</p> <p>17 couldn't see somewhere and somebody walked -- you</p> <p>18 couldn't see where someone could walk out in front of</p> <p>19 you, that would be a potential hazard; right?</p> <p>20 A Yes.</p> <p>21 Q And then the emergency would be if that</p> <p>22 person -- if some person actually walked out from a</p>

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<p style="text-align: right;">110</p> <p>1 blind spot in front of your truck? That would be an 2 emergency? 3 A Yes. 4 Q And so you try to avoid hazards so that they 5 don't turn in to emergencies. Fair to say? 6 A Yes. 7 Q You would agree with me that none of these 8 documents that you have brought with you, that's the 9 Virginia Commonwealth Drivers Manual, the Federal 10 Motor Carrier Safety Regulations, or should this VA 11 Code 46.2-846 talks specifically about commercial 12 drivers turn in to a confined space such as the 13 Sunoco? You would agree with me? 14 A They do talk about it. 15 Q They do? 16 A Yes. 17 Q Okay. Let's see where. 18 A This one talks about it. Being in a 19 confined space. 20 Q Can you show me then? Just where that talks 21 about a confined space? 22 A Okay. So it probably doesn't say a confined</p>	<p style="text-align: right;">112</p> <p>1 statutes, regulations, manuals that something is 2 implied -- 3 A Implied is how you read it. 4 Q -- or that's your opinion? 5 A Implied is how you read it. 6 Q Okay. So it implies how you read it, but 7 with specificity, none of the documents that you 8 brought -- the Virginia Commercial Drivers Manual, the 9 Virginia Code 46.2-846, the Federal Motor Carrier 10 Safety Regulations -- speaks specifically to a 11 commercial driver's responsibilities, duties, etc. 12 when pulling into a confined space such as the Sunoco 13 in this case? Is that fair to say? 14 A Yes. 15 MR. STIVERS: Excuse me for just a minute. 16 I have an emergency. 17 MR. BLEVINS: That's okay. 18 (Whereupon, a brief recess was taken.) 19 MR. BLEVINS: I just want to go through a 20 few things, and then we should be done. 21 (Eggleston Exhibit Number 7 was marked for 22 identification.)</p>
<p style="text-align: right;">111</p> <p>1 space. It's implied, but it doesn't say it. 2 MR. STIVERS: Can we, for the record, say 3 what it is that he's saying was implied? 4 MR. BLEVINS: Sure, he was looking at 5 section 46.2-846 of the Virginia Code. 6 Q What I'm saying is we're in agreement that 7 the Sunoco parking lot and areas such as that are what 8 we call, generally speaking, confined spaces. Fair to 9 say? 10 A Yes. 11 Q None of these documents that you've 12 brought -- statutes, codes, regulations -- speaks 13 specifically to a commercial driver pulling into a 14 confined space. Is that fair to say? 15 A I would have to go through them and look. 16 Q Oh, yeah, sure. Go through them and look. 17 A They don't say confined space. It's 18 implied, but they don't say it. 19 Q Okay. Well, you would agree with me, 20 Mr. Eggleston, that you're saying it's implied; right? 21 A Yes. 22 Q Does it say anywhere in any of those</p>	<p style="text-align: right;">113</p> <p>1 BY MR. BLEVINS: 2 Q This I've marked as Exhibit 7. Let me ask 3 you if you've seen this before or you're aware of its 4 existence? I think we got it off the website, but you 5 may have it in your training courses too. 6 A I haven't seen this exact one. Well, I 7 have, but it's the first part of the manual, I 8 believe. First part of the new manual. 9 Q The new manual for? 10 A Virginia. 11 Q Virginia what? 12 A CDL manual. 13 Q I think it's the DMV; right? The Virginia 14 DMV? 15 A Yeah. 16 Q You see that? 17 A Yeah. 18 Q That we've marked as Exhibit 7. I know 19 you've got your -- 20 MR. STIVERS: Do you have an extra copy of 21 that? 22 MR. BLEVINS: I don't, but I'll attach it,</p>

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<p style="text-align: right;">114</p> <p>1 and I'll give it to you right after this.</p> <p>2 MR. STIVERS: If I may read it, please?</p> <p>3 MR. BLEVINS: The whole --</p> <p>4 MR. STIVERS: Yes.</p> <p>5 MR. BLEVINS: Sure.</p> <p>6 MR. STIVERS: Where does this come from?</p> <p>7 MR. CAFRITZ: It's the DMV website.</p> <p>8 MR. STIVERS: And what's it in the context</p> <p>9 of?</p> <p>10 MR. CAFRITZ: Motor carrier safety.</p> <p>11 MR. STIVERS: Is it for non-CDL drivers, or</p> <p>12 is it for CDL drivers?</p> <p>13 MR. CAFRITZ: It's just the DMV website.</p> <p>14 It's the public...</p> <p>15 MR. STIVERS: All right. Very good.</p> <p>16 BY MR. BLEVINS:</p> <p>17 Q So Mr. Aggleston, my --</p> <p>18 A Eggleston.</p> <p>19 Q Eggleston. I thought it was an E. Yeah,</p> <p>20 Eggleston.</p> <p>21 A Yeah.</p> <p>22 Q What we have here, which is marked as</p>	<p style="text-align: right;">116</p> <p>1 Sunbelt truck in this case; right?</p> <p>2 A Yeah.</p> <p>3 Q Are there any other opinions you have,</p> <p>4 Mr. Eggleston, that we have not discussed?</p> <p>5 MR. STIVERS: You want him to read the whole</p> <p>6 report?</p> <p>7 BY MR. BLEVINS:</p> <p>8 Q Okay. Let me make it easy for you that way</p> <p>9 too.</p> <p>10 You have given opinions in these two</p> <p>11 reports. You have an initial expert report and</p> <p>12 opinion dated December 10, 2014, and a response to a</p> <p>13 report by Jeffrey Clark dated January 28, 2015. Other</p> <p>14 than those opinions and what you've told us today, do</p> <p>15 you have any other opinions in this case that you</p> <p>16 haven't related completely to me?</p> <p>17 A I don't believe so.</p> <p>18 Q And was there any other analysis, testing,</p> <p>19 measuring, reconstruction that you did that we haven't</p> <p>20 discussed today?</p> <p>21 A No, sir.</p> <p>22 MR. BLEVINS: Those are all the questions I</p>
<p style="text-align: right;">115</p> <p>1 Exhibit 7, is the DMV Virginia Department of Motor</p> <p>2 Vehicles document, and it's from this website. It</p> <p>3 says, www.dmv.state.va, and it's dated 2/18/2015, and</p> <p>4 I know you have some difficulty reading, but I'd ask</p> <p>5 you just to read this one bullet point, and I'll</p> <p>6 circle it right here so you see where it -- can you</p> <p>7 read that bullet point starting where the circle is?</p> <p>8 You see where I've circled that bullet point? It</p> <p>9 says, "Sometimes." Can you read that out loud?</p> <p>10 A "Sometimes large vehicles must swing wide to</p> <p>11 turn safely. They will swing right for a left turn or</p> <p>12 left for a right turn. Watch their turn signals and</p> <p>13 give them room to maneuver. Never drive between a</p> <p>14 turning truck, bus, and -- never turn between a</p> <p>15 turning truck or bus and the side of the road. Your</p> <p>16 car could get struck between the large vehicle and the</p> <p>17 curb."</p> <p>18 Q Do you agree with that bullet point by the</p> <p>19 Department of Motor Vehicles of Virginia?</p> <p>20 A Yes.</p> <p>21 Q And that's the responsibility that other</p> <p>22 drivers have around commercial trucks such as the</p>	<p style="text-align: right;">117</p> <p>1 have for you. Thank you for your time, Mr. Eggleston.</p> <p>2 MR. STIVERS: I have some questions.</p> <p>3 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>4 BY MR. STIVERS:</p> <p>5 Q Mr. Eggleston, counsel was asking you</p> <p>6 whether or not any of the documents specifically speak</p> <p>7 to turning in to a confined space, and your response</p> <p>8 was that it's implied. Does the CDL apply to turns,</p> <p>9 whether into confined -- I'm sorry. The CDL manual</p> <p>10 apply to turns whether into confined spaces or not?</p> <p>11 A Yes.</p> <p>12 Q And does the motor vehicle code that you</p> <p>13 cited under title 46, does it apply to whether you're</p> <p>14 turning in to intersections or in to any other</p> <p>15 location?</p> <p>16 A Yes.</p> <p>17 Q And would any other location also be a place</p> <p>18 like the Sunoco station?</p> <p>19 A Yes.</p> <p>20 Q Now, you were asked about being aware of</p> <p>21 hazards, and you were asked whether or not a driver</p> <p>22 needs to be concerned about the hazards before they go</p>

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<p>1 into a space, and I believe that you said yes, they</p> <p>2 should be. What was the best entrance to be aware of</p> <p>3 hazards at the Sunoco station, in your opinion?</p> <p>4 A The Pactiv Way.</p> <p>5 Q And tell us why.</p> <p>6 A Because it's straight in. From Pactiv Way</p> <p>7 it's a straight in entrance. When at the time you</p> <p>8 reach the lot, you see the entire lot. Tell if</p> <p>9 there's anybody in the road or anybody moving around.</p> <p>10 Q Now, you were asked by counsel about being</p> <p>11 aware of the hazards. Have you personally driven in</p> <p>12 that entrance from Pactiv Way to the Sunoco station?</p> <p>13 A Yes.</p> <p>14 Q What's the proper way, in your estimation,</p> <p>15 to enter that entrance and to surveil the parking lot?</p> <p>16 A Come in off of Pactiv Way, come to the edge</p> <p>17 of the parking lot, and stop and eyeball the whole</p> <p>18 space.</p> <p>19 Q Do you see any problems with the way in</p> <p>20 which Mr. Church entered the Sunoco station from the</p> <p>21 northern most entrance as it would pertain to his</p> <p>22 ability to survey what was going on in the parking lot</p>	<p>1 question.</p> <p>2 BY MR. STIVERS:</p> <p>3 Q In your opinion?</p> <p>4 A No.</p> <p>5 Q Now, you were asked about what dangers there</p> <p>6 are and whether backing is dangerous, and you said</p> <p>7 there are a lot of other circumstances that can be</p> <p>8 more dangerous. Was it, in your opinion, dangerous</p> <p>9 for Mr. Church to leave Pactiv Way, move down</p> <p>10 Martinsburg Pike, enter the third lane, and then make</p> <p>11 a right turn in to the Sunoco station?</p> <p>12 A Definitely more dangerous than coming in off</p> <p>13 of Pactiv Way.</p> <p>14 Q Now, sir, you said earlier that in response</p> <p>15 to a question about Mr. Galloway that Mr. Galloway had</p> <p>16 every right to be where he was at the time that he was</p> <p>17 hit by the truck; is that right?</p> <p>18 A Yes.</p> <p>19 Q Is that your opinion?</p> <p>20 MR. BLEVINS: Objection to form.</p> <p>21 BY MR. STIVERS:</p> <p>22 Q And you were being asked in that same</p>
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<p>1 as he was completing his maneuver?</p> <p>2 A He wouldn't have been able to see everything</p> <p>3 that was going on in the parking lot until he was</p> <p>4 already nosed into it off the main highway.</p> <p>5 Q Now, counsel had asked you about the stops</p> <p>6 that affect the turning radius of the Sunbelt truck.</p> <p>7 If you were to learn that the stop prohibited the</p> <p>8 Sunbelt truck from making a proper right-hand turn, as</p> <p>9 described by the CDL manual and as required by the</p> <p>10 state code of Virginia, what would be your advice to</p> <p>11 that driver?</p> <p>12 MR. CAFRITZ: Object to the form of the</p> <p>13 question.</p> <p>14 BY MR. STIVERS:</p> <p>15 Q What would be your opinion about whether or</p> <p>16 not the driver should attempt to make that turn?</p> <p>17 A If he knew it had been where he couldn't</p> <p>18 make that turn, he shouldn't have been driving that</p> <p>19 truck.</p> <p>20 Q Or if he was forced to drive that truck,</p> <p>21 should he have been, nonetheless, made the turn?</p> <p>22 MR. CAFRITZ: Object to the form of the</p>	<p>1 context about what Mr. Galloway was doing. From</p> <p>2 viewing the video, what did you see Mr. Galloway do as</p> <p>3 he proceeded down Martinsburg Pike?</p> <p>4 MR. CAFRITZ: Object to the form and outside</p> <p>5 his expertise.</p> <p>6 BY MR. STIVERS:</p> <p>7 Q What did you see Mr. Galloway do as he went</p> <p>8 down Martinsburg Pike?</p> <p>9 MR. BLEVINS: Same objection. The video</p> <p>10 speaks for itself.</p> <p>11 BY MR. STIVERS:</p> <p>12 Q What did you see on the video Mr. Galloway</p> <p>13 doing as he went down Martinsburg Pike?</p> <p>14 MR. BLEVINS: Same objection. I just don't</p> <p>15 think you can have an expert tell a jury what the</p> <p>16 video shows, but go ahead.</p> <p>17 MR. STIVERS: Well, that's fine. That's</p> <p>18 fine. Let me just strike that.</p> <p>19 MR. BLEVINS: I could be wrong. I'm not</p> <p>20 saying you have to agree.</p> <p>21 MR. STIVERS: Let me just strike that.</p> <p>22 Q Now, you were asked by counsel about fault,</p>

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<p style="text-align: right;">122</p> <p>1 and he tried to ask you to assign a percentage, and 2 you said, if I recall right, that you thought 3 Mr. Galloway was at small fault. In that context, did 4 Mr. Galloway cause this accident, or in your opinion, 5 did somebody else cause this accident? 6 A Mr. Galloway did not cause the accident. 7 Q What caused this accident, in your opinion? 8 A The wide looping two and a half, three lane 9 turn to the left that Mr. Church made before he 10 started his right-hand turn. 11 Q Mr. Eggleston, you read Mr. Galloway's 12 deposition? 13 A Yes. 14 Q And do you recall that portion of the 15 deposition where Mr. Galloway said that he saw the 16 Sunbelt truck pulling into the middle lane? 17 A Yes. 18 Q And do you recall that portion of the 19 Galloway deposition where he said that he could see 20 the truck going leftward and could hear it going 21 leftward? 22 A Yes.</p>	<p style="text-align: right;">124</p> <p>1 MR. BLEVINS: Objection. Form. 2 BY MR. STIVERS: 3 Q In your opinion? 4 MR. BLEVINS: Same objection. You can 5 answer. We're just making objections for the judge. 6 THE WITNESS: No. 7 BY MR. STIVERS: 8 Q Did you see on the video that Mr. Church 9 actually fueled his vehicle that day? 10 A Yes. 11 MR. BLEVINS: Same objection. 12 BY MR. STIVERS: 13 Q And did you see on the video how Mr. Church 14 entered the -- what Mr. Church did immediately prior 15 to fueling his vehicle at the Sunoco station that day? 16 A He went out Pactiv Way and evidently turned 17 around because he came back in Pactiv Way, stopped at 18 the edge of the lot, and waited for a car to clear the 19 pump. 20 Q In your opinion, did he do the right thing 21 in that instance? 22 A Yes.</p>
<p style="text-align: right;">123</p> <p>1 Q And do you recall that portion of the 2 Galloway deposition where he said that he felt safe at 3 the time? 4 A Yes. 5 Q Based on your knowledge of the Route 11 6 Martinsburg Pike area, how much distance separated 7 Mr. Galloway and Mr. Church at the point when 8 Mr. Church -- a minimum distance. At the point when 9 Mr. Church was in the left lane? 10 MR. BLEVINS: Objection. Foundation and his 11 prior testimony. Go ahead. 12 THE WITNESS: Probably 30 feet. 25 to 13 30 feet. 14 BY MR. STIVERS: 15 Q In your estimation, in your opinion, what is 16 it that Mr. Church did wrong on August 21, 2012 up to 17 and at the time of the accident? 18 A Making the looping jug handle turnout to 19 three lanes, two and a half to three lanes out, before 20 he came back. 21 Q Did the fear of backing up justify moving 22 three lanes to the left to make a right?</p>	<p style="text-align: right;">125</p> <p>1 Q Now, sir, do you allow your students to come 2 into the Sunoco station -- what entrances, if any, do 3 you restrict your students to enter the Sunoco station 4 in the event they're fueling a truck? 5 A Students and instructors are always 6 instructed to enter off of Pactiv Way. 7 MR. BLEVINS: Objection to the extent the 8 other time you talked about already with the student. 9 MR. STIVERS: I'm sorry. I didn't 10 understand what you just said. 11 MR. BLEVINS: Except for the other time they 12 went in with the student. 13 THE WITNESS: The one time that I went in 14 with a student. 15 MR. BLEVINS: Right. 16 BY MR. STIVERS: 17 Q Well, let's talk about that one time. You 18 said that you stayed in the right-hand lane the entire 19 time, and you were driving a 60-foot truck if I 20 understood you correctly? 21 A Yes, sir. 22 Q Tell us how you did that?</p>

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<p style="text-align: right;">126</p> <p>1 A I pulled -- stayed in the right lane clear 2 up to the very north edge of the lot. 3 Q And do you by chance know how wide that 4 opening is at the north? 5 A According to the surveyor it's 50 1/2 feet. 6 Q So you went all the way up, and then what 7 did you do? 8 A I turned in to the Sunoco. 9 Q Okay. 10 A And made a button hook inside the Sunoco lot 11 and came back up alongside the pumps. 12 Q Which pump did you come up beside? 13 A I came up to the west side. 14 Q The same pump side that Mr. Church 15 originally intended to go to? 16 A Yes. 17 Q So you're saying that within that, quote, 18 confined area, it was possible to take a 60-foot 19 truck, enter from the right lane, commit a jug handle 20 turn, and pull up to the pump? 21 A Yes. If I may clarify? 22 Q Please do.</p>	<p style="text-align: right;">128</p> <p>1 have to come out of Pactiv Way. I was heading north 2 on Route 11. So I went ahead and came in that way. 3 Q And if I recall, you said it was 25 feet 4 long? 5 A 25 foot box truck. Probably 30 some feet. 6 The box was 25 foot, and the rest was truck. 7 Q What class vehicle was it? 8 A Class B. 9 Q If an individual, a driver, a CDL licensed 10 driver, operating either a, in this instance, a Class 11 B vehicle, if that individual is unable to make a 12 right-hand turn without completely leaving the 13 right-hand lane, is it a proper move? 14 A No. 15 Q And is there a provision in the CDL manual 16 that says that it's an incorrect move? 17 A Says if you can't make it without leaving 18 your lane, you should go turn around and come back 19 from a different -- to a driven entrance. Come back 20 and do it to a left-hand turn. 21 Q When Mr. Church made his right-hand turn off 22 of Pactiv and entered into Martinsburg Pike and</p>
<p style="text-align: right;">127</p> <p>1 A It depends on how many cars are in the 2 parking lot. 3 Q Okay. 4 A And where they're situated. The day I done 5 it, there were no cars on the north side of the 6 parking lot. Only cars in the lot were at the 7 station. 8 Q And that was for training purposes? 9 A It was just to show them that it could be 10 done but not to ever do it. 11 Q Why not do it at that Sunoco station? 12 A Because the easiest way in is Pactiv. It's 13 a straight shot. You make all left turns to come into 14 it from that direction. 15 Q I see. Now, you had corrected your memory 16 and said that you had brought a box truck in that 17 entrance on one occasion. 18 A Yes, sir. 19 Q Tell us about that occasion. 20 A On that occasion I had came back. I was 21 helping a friend move, and I was coming from Route 11 22 back in town. I was already on Route 11. I didn't</p>	<p style="text-align: right;">129</p> <p>1 performed the maneuver that he performed as you saw in 2 the video, what effect did that have on the use of his 3 mirrors? 4 A Could you repeat that? 5 Q Yes. Thinking about Mr. Church's maneuver, 6 after he made the right-hand turn onto Martinsburg 7 Pike off of Pactiv, tell us what effect that had on 8 his mirrors. 9 A Basically when he started moving to the 10 left, it basically took his mirrors out of play for 11 anything that was coming up beside him on the 12 right-hand side. 13 Q And he stated that he checked his mirrors 14 two times while he was in the right-hand lane. Was 15 that a proper maneuver on his part, as far as the use 16 of his mirrors? 17 A No, if he was going to make a turn, he 18 should have been checking it more regularly than two 19 times. 20 MR. BLEVINS: If you're going to go for a 21 while, I'm just going to get a taxi and leave, and he 22 can handle it if you're fine with that?</p>

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<p style="text-align: right;">130</p> <p>1 MR. STIVERS: No, I guess I'm fine with 2 that. Thank you. 3 MR. BLEVINS: Is that good? 4 MR. STIVERS: That's fine. 5 MR. BLEVINS: Because I don't have any other 6 questions. 7 (Mr. Blevins leaves deposition room.) 8 (Whereupon, a brief recess was taken.) 9 MR. STIVERS: Okay. Let's identify what's 10 in the folder, Exhibit 5. In no particular order I've 11 just picked up this folder number 5. There's a 12 February 16 letter, Mark Stivers and Gobind Sethi and 13 Brian Cafritz, and it's a Notice of deposition 14 duces tecum. 15 There is a copy of title 46.2-846 of the 16 Virginia Code. Required position turning in an 17 intersection, local regulations. 18 MR. CAFRITZ: Two pages and highlighted and 19 underlined. 20 MR. STIVERS: This is a -- go ahead. 21 MR. CAFRITZ: Looks like it's a section of 22 the -- so it's something from West Virginia. It says</p>	<p style="text-align: right;">132</p> <p>1 of the Answer that was filed on behalf of Sunbelt and 2 David Church by Mr. Cafritz. 3 There is a photo of -- what do we want to 4 call that? 5 Jerry, what would that be? 6 THE WITNESS: Vehicle certification. 7 MR. STIVERS: It says manufactured by JLG 8 Industries, Inc., McConnellsburg, Pennsylvania. It 9 has the width of the tires, rims, PSI. Good enough? 10 MR. CAFRITZ: It's a photo copy of the 11 photograph. 12 MR. STIVERS: There is a copy of 13 measurements of the truck on Marsh & Legge Land 14 Surveyors, PLC. 15 There is a copy of the map. It shows the 16 distances of Marsh & Legge Land Surveyors. This map 17 is not necessarily dated. 18 There is what appears to be a replication of 19 much of the Virginia CDL Manual, pages 23, 24, 25, 26, 20 27, 28, and then attached to that is the West Virginia 21 CDL Manual segment pages 2-8 through 2-18. 22 There is a copy of Mr. Eggleston's report</p>
<p style="text-align: right;">131</p> <p>1 2005 Commercial Driver's License. Starts out 2 page 210. Goes consecutively to page 221. 3 MR. STIVERS: There's a vehicle accident 4 report form that's two pages. It's date marked 5 Sunbelt. Bates stamped Sunbelt 00442-00443. 6 There is a copy of a Virginia state police 7 crash report. Appears to be five pages in length. 8 There's a statement, Virginia state police 9 statement, for David Church, one page, dated 10 August 21, 2012. 11 There is a driver log, which is Sunbelt 12 Bates stamped 00135. 13 There is a Sunbelt rental, I guess it's -- 14 is that a bill of lading? You agree? 15 MR. CAFRITZ: Yeah, technically it's called 16 a rental agreement. It's two pages. 17 MR. STIVERS: It's two pages. It's Bates 18 stamped 00117. Sunbelt Bates stamped and 00118. 19 There is what appears to be a full and 20 complete copy of the initial Complaint that was filed 21 on behalf of Mr. Galloway. 22 There appears to be a full and complete copy</p>	<p style="text-align: right;">133</p> <p>1 dated December 10, 2014. 2 There is a copy of a report by Mr. -- it's a 3 cover letter. It's entitled Exhibit D here. D, A, B 4 from Mr. Laporte, CSA. 5 There is a copy of a response to a report by 6 Jeffrey E. Clark by Mr. Eggleston. It appears to be 7 eight pages in length. 8 There is a portion of the deposition of 9 David Church. It appears to be pages 82 and 84 in 10 their entirety, 83 and 85 in their entirety, and 11 pages 110 and 112 in their entirety. 12 And there is another copy -- you want to 13 delete this one? 14 MR. CAFRITZ: What's the big deal? If we're 15 going to copy -- 16 MR. STIVERS: There is another copy of the 17 West Virginia CDL Manual, pages 210 through 221. 18 MR. CAFRITZ: That collectively amounts to 19 Exhibit 5. 20 MR. STIVERS: Yes. 21 MR. CAFRITZ: Okay. 22 ///</p>

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<p style="text-align: right;">134</p> <p>1 BY MR. STIVERS: 2 Q Mr. Eggleston, in talking about that 3 accident report from Sunbelt, did you look over that 4 accident report, sir? 5 A Yes, I did. 6 Q And did you read the portion of the report, 7 that page, at its second page, which is Bates stamped 8 443, about how the incident occurred? 9 A Yes, sir. 10 Q I'll show it to you. Did you read that, 11 sir? 12 A Read the whole thing? 13 Q Yes, please. 14 A "Sunbelt" -- 15 Q You don't have to read it out loud. Just 16 read it to yourself, sir. 17 A (Witness complies). 18 Q Now, sir, you saw that Mr. Church reported 19 to his employer that he was making a right-hand turn 20 in to a gas station when a Moped tried to pass the 21 truck on the right side? 22 A Yes.</p>	<p style="text-align: right;">136</p> <p>1 accident, on what do you base your opinion about what 2 actually happened in the accident? 3 A On the video. 4 Q And does that report in some way indicate 5 facts inconsistent with the video? 6 MR. CAFRITZ: Same objection. 7 THE WITNESS: Yes. 8 MR. STIVERS: I have no further questions. 9 EXAMINATION BY COUNSEL FOR PLAINTIFF 10 BY MR. CAFRITZ: 11 Q Mr. Eggleston. 12 A Yes, sir. 13 Q The FMCSA book and the DMV manuals and the 14 statute, do those documents represent the entirety of 15 the statutes and codes that dictate the operations of 16 a commercial truck driver in Virginia? 17 MR. STIVERS: Well, I'm not sure this is a 18 complete copy of all the federal motor carrier 19 regulations, is it? I think this says this is only a 20 portion of the federal motor carrier. 21 MR. CAFRITZ: Let me rephrase it. 22 Q Is there anything in writing in any statute</p>
<p style="text-align: right;">135</p> <p>1 Q And that he said the truck was in the turn 2 lane and that the Moped was between the truck and the 3 curb? 4 MR. CAFRITZ: Just object to the line of 5 questioning here. He's not an expert to testify as to 6 what's on the document. That speaks for itself just 7 like the video. He can't state what was on the video. 8 The document speaks for itself. 9 BY MR. STIVERS: 10 Q Sir, this document that speaks for itself, 11 in as much as Mr. Church indicates that he stayed in 12 the right-hand lane and that the Moped was between he 13 and the curb and the Moped ran into him, sir, did this 14 report in any way comport with your understanding of 15 what actually occurred in the accident? 16 A No. 17 MR. CAFRITZ: Object to the form of the 18 question. You already stated he's not an accident 19 reconstructionist. 20 BY MR. STIVERS: 21 Q Sir, when I ask you did it comport with your 22 understanding of what actually happened in the</p>	<p style="text-align: right;">137</p> <p>1 or code or regulation that dictates the minimum number 2 of times a driver must check his mirrors while 3 operating a commercial vehicle? 4 A Nothing that dictates the minimum time, no. 5 Q Is there anything in writing in any of those 6 documents that suggests at what point a driver must 7 check his mirrors? 8 A Basically, yes. 9 Q Where is it, and what does it say? 10 A I'll have to look it up. 11 MR. STIVERS: I'm going to try to help you 12 out here, Jerry, to save some time. Here's the 13 mirrors section. 14 THE WITNESS: It says here, "You need to 15 make regular checks of your mirror to be aware of 16 traffic and to check your vehicle. Traffic check your 17 mirrors for vehicles on either side and in back of 18 you. In an emergency you may need to know whether you 19 can make a quick lane change. Use your mirrors to 20 spot overtaking traffic or vehicles. There are blind 21 spots that your mirrors cannot see. You check your 22 mirrors regularly to know what other vehicles are</p>

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<p style="text-align: right;">138</p> <p>1 around you and to see if a move you make into -- the 2 vehicle may move into your blind spots." 3 BY MR. CAFRITZ: 4 Q All right. Now -- 5 MR. STIVERS: Wait. He's not done. 6 MR. CAFRITZ: Okay. Sorry. 7 THE WITNESS: "Lane changes. You need to 8 check your mirrors" -- 9 BY MR. CAFRITZ: 10 Q We can just identify it. You don't need to 11 read the whole thing into the record. 12 A Okay. It's under lane changes and special 13 situations. It doesn't specify a minimum number, but 14 it says you must do it multiple times. 15 Q No, it says you must do it regularly; 16 correct? 17 A Well, in one of these books it says you must 18 do it multiple times, but I'm not sure whether it says 19 in the -- 20 MR. STIVERS: Well, go ahead and read the 21 rest of it into the record. I think you were at the 22 top of the page.</p>	<p style="text-align: right;">140</p> <p>1 times. 2 BY MR. CAFRITZ: 3 Q Anywhere in that document is the term 4 "regularly" defined? 5 A Depends on what King's English you're 6 talking about, I guess. 7 Q Sir, I'm asking if anywhere in that document 8 does it state, regular, for the terms of this section, 9 means -- 10 A Yes. 11 Q -- and then explains it? It does? 12 A Yes, check them regularly. Check them when 13 you make your lane change. Check them when you turn. 14 Check them after you turn. Check them before you 15 turn. 16 Q That's your best answer for how regularly is 17 defined? 18 A Yeah. Many times. 19 Q All right. And is there any other document 20 that would set forth and explain the obligations of 21 the commercial motor vehicle driver in checking his 22 mirrors?</p>
<p style="text-align: right;">139</p> <p>1 THE WITNESS: Okay. On lane changes. "You 2 need to check your mirrors to make sure no one is 3 alongside of you or about to pass you. Check your 4 mirrors before you change lanes to make sure there's 5 no one there. After you signal, to check that no one 6 has moved into your blind spot. Right after you start 7 the lane change, to double check that you're in your 8 lane, and after you complete your lane change. 9 Turns. In turns check your mirrors to make 10 sure that the rear of your vehicle will not hit 11 anything. When merging use your mirrors to make sure 12 of the traffic in a tight maneuver. Anytime you are 13 driving in close quarters, check your mirrors often to 14 make sure you have enough clearance. Use your mirrors 15 correctly by checking them quickly and understanding 16 what you see. When you use your mirrors while driving 17 on the road, look quickly, look back and forth between 18 the mirrors and the road bend. Don't focus on the 19 mirrors for too long; otherwise, you will travel a 20 distance without knowing what's in front of you. Many 21 large vehicles have" -- well, I don't need to go into 22 that, but I mean, that says to check it multiple</p>	<p style="text-align: right;">141</p> <p>1 A I don't understand what you're -- 2 Q Is there any authoritative or document that 3 you would consider controlling as to when and how 4 often a truck driver in Virginia would have to check 5 his mirrors other than that document? 6 A Probably in the FMCSA manual because that's 7 what these document are taken from. 8 Q Would it be different from what's in the 9 FMCSA what you just read? 10 A Could be a different word or two. 11 Q Well, you're a truck instructor. Do you 12 know if they're different? 13 A No, I don't know if they're different. 14 MR. CAFRITZ: All right. That's all I have. 15 MR. STIVERS: We'll read. 16 (Whereupon, at 1:15 p.m., the deposition of 17 JERRY R. EGGLESTON was concluded.) 18 * * * * * 19 20 21 22</p>

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<p style="text-align: right;">142</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, TONI LYNN CAMERA, the officer before whom 3 the foregoing deposition was taken, do hereby certify 4 that the witness whose testimony appears in the 5 foregoing deposition was duly sworn by me; that the 6 testimony of said witness was taken by me in stenotype 7 and thereafter reduced to typewriting under my 8 direction; that said deposition is a true record of 9 the testimony given by said witness; that I am neither 10 counsel for, related to, nor employed by any of the 11 parties to the action in which this deposition was 12 taken; and further, that I am not a relative or 13 employee of any attorney or counsel employed by the 14 parties thereto, nor financially or otherwise 15 interested in the outcome of the action. 16 17 18 TONI LYNN CAMERA Notary Public in and for the Commonwealth of Virginia 19 20 21 My commission expires: July 31, 2017 22 Notary Registration No. 7294759</p>	<p style="text-align: right;">144</p> <p>1 GOBIND S. SETHI, ESQUIRE Hall & Sethi, PLC 2 12120 Sunset Hills Road, Suite 150 Reston, Virginia 20190 3 4 IN RE: GALLOWAY vs. SUNBELT RENTALS, INC., ET AL. 5 Dear Mr. Sethi: 6 Enclosed please find your copy of the deposition 7 of JERRY R. EGGLESTON, along with the original 8 signature page. As agreed, you will be responsible 9 for contacting the witness regarding signature. 10 Within 21 days of receipt, please forward the 11 errata sheet and original signed signature page to 12 counsel for Defendants, Brian A. Cafritz, Esquire. 13 If you have any questions, please do not hesitate 14 to call. Thank you. 15 Yours, 16 17 Toni Camera 18 Reporter/Notary 19 cc: Brian A. Cafritz, Esquire 20 21 22</p>
<p style="text-align: right;">143</p> <p>1 ACKNOWLEDGEMENT OF DEPONENT 2 3 I, JERRY R. EGGLESTON, do hereby acknowledge I have 4 read and examined the foregoing pages of testimony, 5 and the same is a true, correct and complete 6 transcription of the testimony given by me, and any 7 changes or corrections, if any, appear in the attached 8 errata sheet signed by me. 9 10 11 12 13 14 15 16 Date JERRY R. EGGLESTON 17 18 19 20 21 22</p>	<p style="text-align: right;">145</p> <p>1 Capital Reporting Company 1821 Jefferson Place, NW 2 3rd Floor Washington, D.C. 20036 3 (202) 857-3376 4 ERRATA SHEET 5 Case Name: GALLOWAY v. SUNBELT RENTALS, INC. ET AL. 6 Witness Name: JERRY R. EGGLESTON 7 Deposition Date: February 20, 2015 8 PAGE LINE CHANGE/REASON FOR CHANGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 Signature _____ Date _____</p>

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